



CONSTITUTION

9th December 2013

**LITTLEHAMPTON HARBOUR BOARD
HARBOUR OFFICE
PIER ROAD
LITTLEHAMPTON
WEST SUSSEX
BN17 5LR**

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PART 1 – INTRODUCTION

1.0 THE HARBOUR BOARD'S CONSTITUTION

- 1.1 The Littlehampton Harbour Board has agreed a Constitution which sets out how the Harbour Board operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Harbour Board to choose.
- 1.2 The Constitution is divided into 13 articles which set out the basic rules governing the Harbour Board's business. More detailed procedures and codes of practice are provided in the Rules and Protocols which follow.
- 1.3 The Constitution applies to all Members of the Board, Officers and Staff whether permanently or temporarily employed.

2.0 WHAT IS IN THE CONSTITUTION?

Article 1 of the Constitution commits the Harbour Board to a number of key objectives. Articles 2-13 explain the rights of stakeholders and how the key parts of the Harbour Board operate. These are:

- Members of the Harbour Board (Article 2)
- Stakeholders and the Harbour Board (Article 3)
- The Full Harbour Board (Article 4)
- Attendance and responsibilities of Harbour Board Members (Article 5)
- Sub-Committees (Article 6)
- Officers (Article 7)
- Decision making (Article 8)
- Finance, contracts and legal matters (Article 9)
- Review and revision of the Constitution (Article 10)
- Suspension, interpretation and publication of the Constitution (Article 11)

3.0 HOW THE HARBOUR BOARD OPERATES

- 3.1 The Harbour Board is composed of 11 Members who are appointed/ elected every four years. Harbour Board Members have an overriding duty to the Board and should have the interest of all of the stakeholders in the harbour. In regard to Harbour Board matters, they shall not be influenced by their appointing authority or any private or personal interest in any matter brought before the Board.
- 3.2 Harbour Board Members must agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Clerk to the Board shall provide necessary training and advise them on the code of conduct and the Constitution.
- 3.3 All Harbour Board Members meet together as the Harbour Board. Meetings of the Harbour Board are normally open to the public except where personal or confidential matters are being discussed. Harbour Board Members decide the Harbour Board's overall policies and set the budget each year at meetings of the Board.

PART 1 – INTRODUCTION

4.0 HOW DECISIONS ARE MADE

- 4.1 Part 3 and Part 4 of the Constitution describe who is responsible for decisions within the Harbour Board. The Harbour Board is responsible for policy and strategy decisions. The Harbour Board is made up of eleven Members. The Harbour Board can set up Sub-Committees which may make decisions which are in line with the Harbour Board's overall policies and budgets. If a Sub -Committee wishes to make a decision which is outside the budget or policy framework, this must be referred to the Harbour Board as a whole to decide unless explicit delegated authority has been given to the Sub-Committee by the Harbour Board.

5.0 THE HARBOUR BOARD'S STAFF

- 5.1 The Harbour Board has people working for it (called 'Officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some Officers have specific duties to ensure that the Harbour Board acts within the law and uses its resources wisely. A code of practice governs the relationship between Officers and Members of the Harbour Board.

6.0 STAKEHOLDERS' RIGHTS

- 6.1 Stakeholders have a number of rights in their dealings with the Harbour Board. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Harbour Board's own processes.
- 6.2 When members of the public use specific Harbour Board services, for example as a Harbour Board tenant, they have additional rights. These are not covered in this Constitution.
- 6.3 Members of the public have the right to:
- view a copy of the Constitution;
 - attend meetings of the Harbour Board and its Sub-Committees except where personal or confidential matters are being discussed;
 - participate in the Harbour Board's public question time;
 - see reports and background papers (except where they are deemed to be confidential or exempt) and any record of decisions made by the Harbour Board;
 - complain to the Harbour Board in accordance with its complaints procedure;
 - inspect the Harbour Board's accounts and make their views known to the Board or its appointed external auditor.

7.0 GENDER

- 7.1 In this document where the context so admits words imparting the masculine gender shall include feminine and vice versa.

PART 2 - ARTICLES OF THE CONSTITUTION

PART 2 - ARTICLES OF THE CONSTITUTION

1.0 ARTICLE 1 - THE CONSTITUTION

1.1 Powers & Duties of the Harbour Board

The Harbour Board will exercise all its powers and duties in accordance with the law and this Constitution.

1.2 The Constitution

This Constitution is the Constitution of Littlehampton Harbour Board.

1.3 Purpose of the Constitution

The purpose of the Constitution is to:-

1.3.1 enable the Harbour Board to provide clear leadership for the operation of the Harbour and ensure that any decisions are sustainable for the efficient and effective operation of the harbour;

1.3.2 enable decisions to be taken efficiently and effectively;

1.3.3 create a powerful and effective means of holding decision-makers to public account;

1.3.4 ensure that those responsible for decision-making are clearly identifiable to stakeholders and that they explain the reasons for their decisions;

1.3.5 provide a means of improving the delivery of Harbour services to the stakeholders; and

1.3.6 provide clear rules for the internal governance of the Harbour Board and for the resolution of any disputes.

1.4 Interpretation of the Constitution

Where the Constitution permits the Harbour Board to choose between different courses of action, the Harbour Board will always choose that option which it considers is closest to the purposes stated above and in compliance with the Governing Acts, particularly the Littlehampton Harbour & Arun Drainage Outfall Act 1927 (LHADO Act 1927), Commissioners Clauses Act 1847 (CCA 1847) and the West Sussex Act 1972 (WSCC Act 1972) and other Acts shown at Part 3 S.1.1 of this Constitution.

PART 2 - ARTICLES OF THE CONSTITUTION

2.0 **ARTICLE 2 - MEMBERS OF THE HARBOUR BOARD**

2.1 **Composition and Eligibility**

Members shall in all respects comply with the requirements of the Governing Acts of the Harbour Board.

2.1.1 **Composition (WSCC Act 1972 s6):** The Harbour Board will comprise 11 Members, otherwise called Harbour Board Members. Members to be appointed as follows:-

a]	by the West Sussex County Council	four
	by the Arun District Council	four
	by the Environment Agency	one
b]	by the members appointed pursuant to the foregoing paragraph (a)	two

One of the Members to be appointed pursuant to paragraph (b) above shall be a person appearing to the Members by whom he is appointed to be representative of commercial interests in the harbour; and the other member so appointed shall be a person appearing to the Members by whom he is appointed to be representative of recreational interests in the harbour.

2.1.2 **Eligibility (WSCC Act 1972 S.9)**

2.1.2.1 Each Member of the Harbour Board appointed by a constituent authority shall be a member or an official of that constituent authority or be possessed of the requisite qualification to be such a member. (s9(1))

2.2.2.2 If any Member of the Harbour Board appointed by a constituent authority, who at the date of his appointment is a member or official of that constituent authority, cease to be a member or official of such authority or ceases to be possessed of the requisite qualification to be such a member, such member shall forthwith vacate his office as a member of the Harbour Board.

2.2.2.4 No person being a Member of the Harbour Board by appointment from any of the constituent authorities shall so long as he continues a member by virtue of such appointment be qualified to be also a Member of the Harbour Board by appointment from either of the other constituent authorities and any such subsequent appointment shall be void; and if the same person shall be appointed a Member of the Harbour Board by more than one of the constituent authorities at the same time, he shall choose under which appointment he will serve and the other appointment shall be deemed void.

2.2 **Election Declaration and Term of Appointments and Election Declarations of Harbour Board Members**

On or before 1 March () every four years (commencing from 1 March 1973 “the Appointment Day”) the constituent authorities shall appoint the respective number of Members specified in 2.1.1. Each shall continue in office, subject to the provision of the Act (W.S.C.C. Act S.8 (1) – (2)), until 1 April four years later (initial period ended on 1 April 1977).

2.2.1 The Members of the Harbour Board appointed in accordance with above shall at the first meeting of the Harbour Board after the Appointed Day and

at the first meeting of the Harbour Board after 1 April in each successive fourth year appoint the Members specified in paragraph (b) of 2.1.1 and each Member so appointed shall, subject to the provisions of this Part of this Act, hold office until 1 April in the fourth year after his appointment. (WSSC Act 1972 S.8 (3))

2.2.2

PART 2 - ARTICLES OF THE CONSTITUTION

2.2.3 2.2.4 Every person elected or appointed a Board Member shall at the Harbour Board Meeting at which he first attends as a Board Member make and subscribe the required declaration and any commissioner, whether he himself has made such a declaration or not, may administer such declaration. (CC Act 1847 S.14). The Board Member shall also complete the Register of Interests and submit it to the Clerk.

2.2.5 All Harbour Board Members and officers shall complete and submit to the Clerk at the end of each financial year a “Related Partners Transaction Declaration” as provided by the Treasurer.

2.3 Roles and Functions of all Harbour Board Members

2.3.1 **Key Roles:** All Harbour Board Members will:-

- collectively be the ultimate policy-makers of the Board and where authorised to do so carry out a number of strategic and corporate functions.
- Collectively and individually ensure compliance, as the “Duty Holder”, with the requirements of the Port Marine Safety Code.
- contribute to the good governance of the harbour.
- participate in the governance and management of the Harbour Board and
- maintain the highest standards of conduct and ethics.

2.3.2 **Rights and Duties:**

- Harbour Board Members will have such rights of access to such documents, information, land and buildings of the Harbour Board as are necessary for the proper discharge of their functions & in accordance with the law.
- Harbour Board Members will not make public information which is confidential or exempt which they obtain in the course of their duties without the consent of the Harbour Board or divulge information given in confidence to anyone other than a Harbour Board Member or officer entitled to know it. No member of the Board shall use such exempt or confidential information for personal advantage.
- For these purposes, “confidential” and “exempt” information are defined in the Rules in Part 6 of the Constitution.

2.4 Conduct

Harbour Board Members will at all times observe the Board’s Code of Conduct and the Protocol on Member/Officer Relations set out in Part 8 of this Constitution.

PART 2 - ARTICLES OF THE CONSTITUTION

3.0 ARTICLE 3 – STAKEHOLDERS AND THE HARBOUR BOARD

3.1 Stakeholders' Rights

Stakeholders have the following rights. Their rights to information & to participate are explained in more detail in the Access to Information Rules in Part 6 of this Constitution:-

3.1.1 Information

Members of the public have the right to:-

- 3.1.1.1 attend meetings of the Harbour Board and its Committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private,
- 3.1.1.2 see reports and background papers, and any records of decisions by the Harbour Board, except where confidential or exempt information is likely to be disclosed and
- 3.1.1.3 inspect the Harbour Board's accounts and make their views known to the External Auditor.

3.1.2 Participation

Members of the public are able to participate in public question time at Harbour Board meetings.

3.1.3 Complaints

The Board's Standing Instructions include a Complaints Procedure setting out how complaints are dealt with. In the first instance, concerns should be raised with the Harbour Master. Stakeholders have the right to complain to: Harbour Master/Manager

3.2 Stakeholders' Responsibilities

- 3.2.1 Members of the Public must not be violent, abusive or threatening to Harbour Board Members Officers or staff and must not wilfully harm property or belongings owned by the Harbour Board, Harbour Board Members Officers or staff.

4.0 ARTICLE 4 – THE FULL HARBOUR BOARD

4.1 Meanings

4.1.1 The Policy Framework.

The policy framework means the following plans and strategies:-

- Port Marine Safety Code plans and monitoring
- Business Plan
- Plans for the submission of a Harbour Revision Order
- Health & Safety Plans and Monitoring
- The Harbour Board's Business System
- The Capital Strategy
- Human Resources Strategy
- The Annual Report

PART 2 - ARTICLES OF THE CONSTITUTION

4.1.2 Budget

The Budget includes the allocation of financial resources to different issues & projects, proposed contingency funds, setting the Harbour Board precept, decisions relating to the control of the Harbour Board's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

4.2 Functions of the Full Harbour Board

Only the Harbour Board will exercise the following functions:-

- 4.2.1 adopting and changing the Constitution.
- 4.2.2 appointing the Chairman and Vice-Chairman of the Harbour Board;
- 4.2.3 approving or adopting the Policy Framework, the Budget and any application to the Secretary of State in respect of any Harbour Revision Order;
- 4.2.4 agreeing and/or amending the Terms of Reference for Sub Committees, deciding on their composition and making appointments to them;
- 4.2.5 appointing representatives to outside bodies.
- 4.2.5 appointment of the posts forming the Harbour Management Team (Harbour Master/Manager, Clerk and Treasurer) unless delegated to the Personnel Sub Committee.
- 4.2.6 making, amending, revoking, re-enacting or adopting Byelaws and promoting or opposing the making of local legislation or personal Bills;
- 4.2.7 approval of the Annual Statement of Accounts, income and expenditure and balance sheet or record of receipts and payments;
- 4.2.8 receiving the External Auditor's annual management letter and any other statutory reports from him; and
- 4.2.9 all other matters which by law must be reserved to the Harbour Board.

4.3 Sub Committees

The Full Harbour Board may appoint any such Sub-Committee, as it so determines for the purpose of carrying out its functions; the number of members on such Sub-Committees to be determined by the Harbour Board. (C.C. Act 1847 S.49)

4.4 Harbour Board Meetings

There are three types of Harbour Board meeting (C.C. Act 1847 S40, 42 and 45):-

- The Annual Meeting
- Ordinary Meetings
- Special Meetings

and they will be conducted in accordance with the Harbour Board Procedure Rules in Part 5 of this Constitution.

4.5 Responsibility for Functions

Further information regarding the responsibility for the Harbour Board's functions

is set out at Part 3

PART 2 - ARTICLES OF THE CONSTITUTION

5.0 ARTICLE 5 – ATTENDANCE & RESPONSIBILITIES OF HARBOUR BOARD MEMBERS

5.1 Role and Functions of the Chairman

5.1.1 The Chairman (C.C. Act 1847 S.37) and Vice-Chairman of the Harbour Board will be elected annually by the Harbour Board at the Annual Meeting on receiving the nominations from the Board Members. Every nomination to be valid should be seconded by another Board Member. If there is more than one properly nominated and seconded candidate a vote shall be taken. The Clerk shall record the votes given to each candidate by Board Members and notify the Chairman of the meeting the results. The candidate receiving the most votes in favour of their nomination shall be duly elected as either the Chairman or Vice-Chairman of the Harbour Board for the ensuing year.

5.1.2 The Chairman, and in his absence the Vice-Chairman, has the following functions:-

5.1.2.1 to uphold and promote the purposes of the Constitution;

5.1.2.2 to preside over meetings of the Harbour Board so that its business can be carried out efficiently and with regard to the rights of Harbour Board Members and the interests of its stakeholders;

5.1.2.3 to promote public involvement in the Harbour Board's activities and to attend such civic and ceremonial functions as the Harbour Board and he determines appropriate.

5.1.2.4 to authorise such actions as set out in the Constitution as delegated by the Board.

5.2 Non-Attendance/Resignation

5.2.1 If a Member of the Harbour Board fails throughout a period of six consecutive months to attend any meeting of the Harbour Board then, unless the failure was due to some reason approved by the Harbour Board, she or he shall cease to be a Member of the Harbour Board. (WSCC Act 1972 S.10(1)).

5.2.2 Attendance as a member of any Committee of the Harbour Board and attendance as representative of the Harbour Board at a meeting of any body of persons shall be deemed for the purposes of Clause 5.1.7.1. to be attendance at a meeting of the Harbour Board. (1972 S.10 (2)).

5.2.3 Any Member of the Harbour Board may at any time resign his office as such Member by notice in writing signed by him and delivered to the Clerk of the Harbour Board and his resignation shall take effect upon the receipt of the notice by the Clerk. (W.S.C.C. Act 1972 (s.11))

5.2.4 Every commissioner who for the space of six months after his appointment neglects to make and subscribe the declaration hereinbefore required, or who for six months in succession is absent from all meetings of the Members, and to act in the execution of this and the special Act, shall be deemed to have refused to act, and shall cease

to be a commissioner. (C.C. Act 1847 S.16)

PART 2 - ARTICLES OF THE CONSTITUTION

6.0 ARTICLE 6 – SUB-COMMITTEES

6.1 Terms of Reference

The Harbour Board appoints Sub-Committees set out below to discharge the functions conferred within the agreed terms of reference.

6.1.2 Personnel Sub-Committee

PERSONNEL SUB-COMMITTEE

TERMS OF REFERENCE

APPROVED BY THE BOARD ON 9 OCTOBER 2006

1. The Sub-Committee will be named the Personnel Sub-Committee (PSC).
2. The Personnel Sub-Committee will consist of four members of Littlehampton Harbour Board (the Board). Additional members may be co-opted on as substitutes as necessary from the main Board. The Chairman of the Sub-Committee may invite another main Board member to attend if more than one apology for absence is notified in advance or an existing member knew in advance that they would have a declarable interest. The meeting will be quorate with three members in attendance.
3. The Treasurer, the Harbour Master/Manager and Clerk to the Board will attend meetings of the Personnel Sub-Committee in an advisory capacity as appropriate.
4. Employee interviews will be conducted by at least two members of the Personnel Sub-Committee and the Harbour Master/Manager or the Clerk if appointing to the position of Harbour Master/ with appropriate officer advisor(s) to be in attendance.
4. Board members elected annually to the Personnel Sub-Committee will be elected at a full meeting of the Board.
5. At the first meeting of the Personnel Sub-Committee, members shall elect one of their number as Chairman.
6. The appointed Chairman will chair meetings of the Personnel Sub-Committee to ensure that proceedings are recorded and minuted correctly and a copy kept on file. In the event of a tied vote on any resolution the Chairman shall have a casting (second) vote.
7. Meetings of the Personnel Sub-Committee will usually be on an ad hoc basis as either requested by the Clerk to the Board or as decided by the Board.
8. The Personnel Sub-Committee will meet to consider all aspects of:
 - a. Board policy in respect of manning and staffing levels.
 - b. Recruitment of Officers, including the posts of Harbour Master/Manager, Treasurer, Clerk and Deputy Harbour Master.

- c. Disciplinary matters.

PART 2 - ARTICLES OF THE CONSTITUTION

- d. Resolution of personnel disputes should they be incapable of resolution at lower level.
- e. Resolution of complaints should they not be able to be resolved at a lower level.
- f. At the discretion of the Chairman of the Sub-Committee to consider matters to do with staff service conditions and welfare.
9. The outcome of meetings of the Personnel Sub-Committee will normally be a resolution unless specifically directed to make a recommendation to the Board. (See Part 6 – Rules of Procedure (Other) Section 4).
10. The Personnel Sub-Committee has delegated authority to seek independent legal/H.R. advice as necessary.

6.1.3 Audit Sub Committee

AUDIT SUB COMMITTEE

TERMS OF REFERENCE

APPROVED BY THE BOARD ON 20 MARCH 2008 AND MEMBERSHIP NUMBERS AMENDED 27 APRIL 2009

1. The Audit Committee aims to provide an important role in corporate governance by:
- monitoring and assessing the role and effectiveness of the internal audit function in the overall context of the Board's risk management system.
 - maintaining an appropriate relationship with the Board's auditors.
2. The Audit Committee will consist of four members elected by the Board. Additional members may be co-opted on as substitutes as necessary from the main Board. The Chairman of the Sub-Committee may invite another main Board member to stand if more than one apology for absence is notified in advance or an existing member knew in advance that they would have a declarable interest. A quorum shall be two members. It is authorised by the Board to:
- investigate any activity within its terms of reference;
 - seek any information that it requires from any employee of the Board and all employees are directed to co-operate with any request made by the Committee
 - obtain outside legal or independent professional advice, after consultation with the Treasurer and Clerk, at the Board's expense, and secure the attendance of third parties with relevant experience and expertise if it considers necessary.
3. In order to carry out their duties adequately the Committee is entitled to call upon additional resource, particularly administrative support, when it requires it. The Board's Officers and the Internal Auditor, or other persons, shall attend meetings

at the invitation of the Committee.

The Committee will meet at a minimum twice a year, and over a 12 month period will address the following:

- review the annual audit plan for the coming year
- review and if satisfied recommend approval of the Board's Annual Accounts and Annual Return with particular reference to Section 2 "Annual Governance Statement".
- review a summary of internal audit work undertaken, detailing progress against key recommendations
- receive and review the Management Letter and any reports from the External Auditor together with a review of the actions proposed
- items that in the view of the Internal or External Auditor need to be brought to the attention of the Board. If any matter is considered urgent and, in the view of the Officers of the Board, cannot wait until the next meeting of the Committee or the Board for action to be taken, it should be presented to the Chairman of the Board or in his absence the Vice Chairman of the Board for agreement of the action to be taken. Should urgent action be taken in this way, a report, for information, should be submitted to the next available meeting of the Board detailing what action has been taken under the authority of the Chairman or Vice Chairman.

The Sub Committee terms of reference are as follows:

Internal Audit

- to monitor and assess the role and effectiveness of the internal audit function in the overall context of the Board's risk management system.
- to review the internal audit programme and ensure that the internal audit function is adequately resourced and has appropriate standing within the organisation
- to ensure that the Internal Auditor has direct access to the Board, the Chairman and the Audit Sub Committee and is accountable to the Audit Sub Committee
- to receive a report on the results of the internal auditors work on a periodic basis
- to review and monitor the Board's officers responsiveness to the internal auditors findings and recommendations
- to advise the Board on any appointment or dismissal of the Internal Auditor

External Audit

The External Auditor to the Board is Littlejohn LLP, who have been appointed by the Audit Commission for the period 2012/13 to 2016/17. . In that regard, the Board, and hence the Audit Sub Committee, have no authority to appoint or dismiss the External Auditor.

- to receive a report on the results of the External Auditors findings on a periodic basis
- to review and monitor the Board's officers responsiveness to the external auditors findings and recommendations

Audit Activity

- to advise the Board on the appropriate arrangements for internal audit, ensuring the independence, status and profile of the internal audit function.
- to promote effective internal control through development of an anti-fraud culture and the consideration of the Board's internal control mechanisms in operation.
- to oversee the provision of an adequate and effective audit through agreeing internal audit plans and monitoring delivery of the audit service.

- to review the Board's annual accounts and the annual return with the view to making recommendations as appropriate to the Board for their approval.
- to consider both internal and external audit reports, comments and opinion, and assess the level of assurance it can give over the Board's corporate governance arrangements.
- to consider any reports or comments dealing with the management and performance of the providers of internal audit services.
- to consider any reports from internal audit on agreed recommendations not implemented with a reasonable
- to comment on the scope and depth of audit work and to ensure it gives value for money.
- to commission work if considered necessary from either the internal or external auditors.

7.0 ARTICLE 7 – OFFICERS

7.1 Management Structure

7.1.1 Harbour Master/Manager, Clerk and Treasurer

The Full Harbour Board appoints persons for the following posts, who will be designated Harbour Master/Manager, Clerk and Treasurer and will together form the Harbour Board's Management Team. Their responsibilities are as set out in Part 9 of the Constitution.

7.2 Functions of the Harbour Master/Manager

7.2.1 Function of the Head of Service for Littlehampton Harbour Board

The Head of Service will report to the Board on the manner in which the discharge of the Board's functions is co-ordinated, the number and grade of Officers required for the discharge of the functions, the organisation of Officers and the proper management of the Board's staff and other resources.

7.3 Function of the Clerk

7.3.1 Maintaining the Constitution

The Clerk will maintain an up-to-date version of the Constitution and will ensure that it is widely available for Harbour Board Members, staff and the public.

7.3.2 Advising Upon Lawfulness and Fairness of Decision Making

After consulting with the Harbour Master/Manager or Treasurer the Clerk will report to the Harbour Board in relation to any function if he considers that any proposal, decision or omission:

- would give rise to a contravention of any enactment or Rule of Law.

7.3.3 Advising Whether Decisions are within the Budget and Policy Framework

The Clerk and/or Treasurer will advise whether decisions are in accordance with the Budget and Policy Framework of the Harbour Board.

7.3.4 Providing Advice

The Clerk will provide advice on the scope of powers & authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Harbour Board Members, and will support and advise Harbour Board Members and Officers on their respective roles.

7.3.5 In the absence of the Clerk these functions will be dealt with by the

Treasurer in consultation with the Harbour Master/Manager.

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7.4 Functions of the Treasurer

7.4.1 Advising Upon Lawfulness and Financial Prudence of Decision-Making

After consulting with the Harbour Master/Manager and the Clerk, the Treasurer will report to the Harbour Board in relation to any function and the Harbour Board's External Auditor if he considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Harbour Board is about to enter an item of account unlawfully.

7.4.2 Administration of Financial Affairs

The Treasurer will have responsibility for the administration of the financial affairs of the Harbour Board. The Financial Rules of Procedure set out in Part 6 shall apply.

7.4.3 Providing Advice

The Treasurer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Harbour Board Members and will support and advise Harbour Board Members and Officers in their respective roles.

7.4.4 Financial Information

The Treasurer will meet statutory requirements to provide financial information to the media, Government departments and agencies and members of the public.

7.5 Conduct

Officers will comply with the Officers' Code of Conduct Section 3 and the Protocol on Member/Officer Relations Section 4 set out in Part 8 of this Constitution.

7.6 Employment

The recruitment, selection and dismissal of Officers will comply with the Officer Employment Rules set out in Part 6 Section 4 of this Constitution and Standing Instruction 12.

8.0 ARTICLE 8 - DECISION MAKING

8.1 Principles of Decision Making

All Decisions of the Harbour Board will be made in accordance with the following principles:-

- 8.1.1 There should be clarity of aims and desired outcomes,
- 8.1.2 Proper regard should be paid to professional advice from Officers,
- 8.1.3 Proper regard should be paid to internal and external consultation according to the Decision in question,
- 8.1.4 There should be respect for human rights,
- 8.1.5 There should be a presumption in favour of openness,
- 8.1.6 There should be proportionality (i.e. the action must be proportionate to the desired outcome),
- 8.1.7 There should be an explanation of the alternative options considered and

8.1.8 There should be proper reasons for the Decision which are documented.

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8.2 Records of Decisions and Advice Received

A written record must be kept of all Decisions made by the Board together with the professional advice from Officers which preceded it.

9.0 ARTICLE 9 - FINANCE, CONTRACTS AND LEGAL MATTERS

9.1 Financial Management

The management of the Harbour Board's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 6 Section 2.

9.2 Contracts

Every contract made by the Harbour Board will comply with the Contracts Procedure Rules set out in Part 6.

9.3 Legal Proceedings

9.3.1 The Clerk to the Harbour Board is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to Decisions of the Harbour Board or in any case where he considers that such action is necessary to protect the Harbour Board's interests, after consultation with:

- *the Harbour Master/Manager and the Treasurer, and*
- *the Chairman or the Full Board.*

9.3.2 The Clerk to the Harbour Board, the Harbour Master/Manager and the Treasurer are authorised to institute or defend proceedings for the recovery of debts owing to or by the Harbour Board.

9.3.3 The Harbour Master/Manager, Treasurer and Clerk to the Board are authorised to institute proceedings in the County Court for recovery of possession of Harbour Board property and rent relating to Harbour Board dwellings.

9.3.4 Further officer powers are set out in Part 4 - Officer Scheme of Delegation at Section 2.

9.4 Authentication of Documents

9.4.1 Where any document is necessary to any legal procedure or proceedings on behalf of the Harbour Board, it will be signed by the Clerk to the Harbour Board or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Harbour Board has given requisite authority to some other person.

9.4.2 All the contracts entered into on behalf of the Harbour Board shall be made in writing. Such contracts must also be conducted in accordance with the Contracts Procedure Rules set out in Part 6.

9.5 Common Seal of the Harbour Board

The Common Seal of the Harbour Board will be kept in a safe place in the custody of the Clerk to the Harbour Board. A Decision of the Harbour Board, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the Decision. The Common Seal will be affixed to those documents which in the opinion of the Clerk to the Harbour Board should be sealed. The

affixing of the Common Seal will be attested by the Clerk to the Harbour Board or some other person authorised by him.

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10.0 ARTICLE 10 - REVIEW AND REVISION OF THE CONSTITUTION

10.1 Duty to Monitor and Review the Constitution

The full Harbour Board will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

10.2 Changes to the Constitution

This Constitution shall be kept under review and any proposed changes shall be considered by the Harbour Board.

11.0 ARTICLE 11 - SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

11.1 Suspension of the Constitution

11.1.1 Limit to Suspension

The Articles of this Constitution may not be suspended. The Rules may be suspended in part by the Full Harbour Board or Sub Committees to the extent permitted within those Rules and the law.

11.1.2 Procedure to Suspend

A motion to suspend any Rules will not be moved without notice unless at least one half of the whole number of Harbour Board Members are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

11.2 Interpretation

The ruling of the Chairman of the Harbour Board, in consultation with the Clerk to Littlehampton Harbour Board, as to the construction or application of this Constitution or as to any proceedings of the Harbour Board shall not be challenged at any meeting of the Harbour Board. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

11.3 Publication

11.3.1 The Clerk to the Harbour Board will give a printed copy of this Constitution to each Member of the Harbour Board upon delivery of that individual's Declaration of Acceptance of Office on the Member first being elected to the Harbour Board.

11.3.2 The Clerk will ensure that copies are:

- available for inspection at Harbour Board Offices, and can be purchased by members of the local press and the public on payment of a reasonable fee.

PART 3 - RESPONSIBILITY FOR FUNCTIONS

PART 3 - RESPONSIBILITY FOR FUNCTIONS

1.0 COMMENTARY

- 1.1 The Harbour Board is established by an Act of Parliament, LHADO Act 1927. Other legislation and guidance are relevant to the Board's duties and functions, including:-
- 1.1.1 West Sussex County Council Act 1972.
 - 1.1.2 Harbours Act 1964.
 - 1.1.3 Port Marine Safety Code.
 - 1.1.4 Littlehampton Harbour and Arun Drainage Outfall Act 1927.
 - 1.1.5 Pilotage Orders Confirmation (No 6) Act 1921.
 - 1.1.6 Pilotage Act 1987.
 - 1.1.7 Harbours, Docks and Piers Clauses Act 1847.
 - 1.1.8 Commissioners Clauses Act 1847.
- 1.2 In this Constitution each of the Harbour Board's functions are clearly allocated to a specific part of the Harbour Board, being:
- 1.2.1 The Full Harbour Board
 - 1.2.2 A Sub Committee of the Full Harbour Board
 - 1.2.3 An officer of the Harbour Board.
- 1.3 The Full Harbour Board has the following Sub Committees which report to it:
- 1.3.1 Personnel Sub-Committee
 - 1.3.2 Audit Sub Committee
- 1.4 Certain functions are reserved to the Full Harbour Board and these are set out in Article 4.

2.0 AUDIT SUB COMMITTEE

- 2.1.1 The purpose of the Audit Sub Committee is to provide an independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the Board's financial and non financial performance to the extent that it affects the Board's exposure to risk and weakens the control environment, and to oversee the financial reporting process. It will principally oversee the work of internal and external audit and receive periodic reports.
- 2.1.2 The Audit Sub Committee will recommend to the Board the Internal Audit work programme on an annual basis in relation to both its statutory functions and its risk based work programme.
- 2.1.3 Terms of reference are as set out at Article 6, Clause 6.1.3.

2.2 Accounts

The Audit Sub Committee will review and recommend to the Board the approval of the annual statement of accounts.

3.0 OFFICERS

- 3.1 Certain Officers of the Harbour Board have responsibility for decisions delegated to them in accordance with the Officer Scheme of Delegation which is set out in Part 4 of this Constitution.
- 3.2 The Officer Scheme of Delegation may be reviewed by the Harbour Board from time to time.

PART 4 - OFFICER SCHEME OF DELEGATION

PART 4 - OFFICER SCHEME OF DELEGATION

SECTION 1 - General

1.0 GENERAL CONDITIONS GOVERNING DELEGATION OF FUNCTIONS

- 1.1 These General Conditions and any amendment of or addition thereto made by the Harbour Board shall apply to the delegation of functions specified elsewhere in this Part 4 and in Parts 2 and 3 of this Constitution, and to any amendment of or addition thereto made by the Harbour Board.
- 1.2 Powers delegated shall, unless expressly stated to the contrary, be deemed to include all of the powers of the Harbour Board under the legislative/common law provisions in question but shall be exercised in conformity with the Constitution of the Harbour Board and in accordance with the expressed policies and objectives of the Harbour Board relevant to the matters upon which action is to be taken.
- 1.3 The delegation of authority to deal with any matter shall not derogate from the power of the Harbour Board to call for a report on any decision or action taken, or to require any such matter under consideration to be referred to the Harbour Board or to the appropriate Committee for determination.
- 1.4 If a matter involves considerations not within the purview of the posts of Harbour Master/Manager, Clerk or Treasurer he shall consult any other relevant member of the Harbour Management Team concerned before authorising action, and shall take due account of the views expressed.
- 1.5 Authority to take decisions and other action including the signing of documents (except where the Harbour Board's Seal is required - see Article 9) and the requirement to arrange consultations shall be exercised and undertaken on behalf of the Harbour Board by the relevant officer of the Harbour Board to whom the authority to act is given. Further, the Harbour Master/Manager, Clerk and Treasurer may delegate to any other officer any function delegated to him/her in this Scheme which in his/her judgement is appropriate to that other officer's responsibilities.
- 1.6 It is the responsibility of each Member of the Harbour Management Team to ensure that a proper scheme of delegation to officers is established within his/her area of responsibility and is operating effectively. Any delegation of duties should be formally documented by the delegating officer and notified to those given the authority.
- 1.7 All delegated functions shall be deemed to extend to any statutory re-enactment and amendment thereof (whether amended in extent and/or wording).
- 1.8 The authorities to exercise the powers, including the service of statutory notices contained in the list of specific delegations shall include authority to take all necessary and/or consequential action arising there from including the institution (and conduct) of proceedings and shall include also power to determine the need to serve the notice as well as to arrange for its service.
- 1.9 Where a delegation requires the agreement of, or consultation with or other action by the Chairman or Sub Committee Chairman, such delegation shall allow for the substitution of another Board Member in the absence of any of the specified Board Members. In the case of a Chairman, this shall be the Vice Chairman. In the case of a Sub Committee Chairman, it shall mean the Vice-Chairman of the Sub Committee or, in his/her absence, another member of the Sub Committee.

PART 4 - OFFICER SCHEME OF DELEGATION

Section 1 – General

- 1.10 The authorised officer shall have power to undertake all work to give full effect to any decision of the Harbour Board.
- 1.11 Where the Harbour Master/Manager, Harbour Master/Manager, Clerk or Treasurer has delegated a power or duty:
- within his area of responsibility or
 - to another Member of the Harbour Management Team prior to the coming into effect of this Constitution,
- such delegation shall continue until amended or revoked by him/her.
- 1.12 Subject to the foregoing, and without derogation from the powers or duties now or hereafter confirmed or imposed upon officers of the Harbour Board by statute or by any statutory instrument or regulation, authority to act for and on behalf of the Harbour Board without reference to the Harbour Board or any Sub Committee or the Cabinet shall be delegated as follows:

2.0 GENERAL AUTHORITIES APPLICABLE TO ALL FUNCTIONS

2.1 To the Harbour Master/Manager and, where appropriate, the Clerk or Treasurer

Authority to:-

- 2.1.1 Take all necessary action for the effective day-to-day management, administration and supervision of his/her area of responsibility and of the services and premises for which he is responsible and for the efficient discharge of the professional responsibilities of his/her office, subject always to the provisions of his/her job description.
- 2.1.2 Incur expenditure provided for in approved or revised capital or revenue budgets, subject to reference to the Harbour Board in respect of any item which is marked or is identified by regulation or instruction as requiring such reference before commitment.
- 2.1.3 Authorise other officers under his/her control to attend courses/conferences and similar events appropriate to their personal official responsibilities and/or the work of the Board in accordance with policies laid down from time to time within approved budget provision.
- 2.1.4 Take those decisions and exercise those powers delegated by this scheme to officers within his/her specific areas, with the exception of those powers specifically delegated to:
- the Clerk or Treasurer

2.2 To the Clerk Authority to:-

- 2.2.1 Settle any points requiring interpretation or clarification in the practical application of this Scheme of Delegation.
- 2.2.2 Except where the power is specifically delegated to the Harbour Master/Manager or Treasurer to issue written authorities to individual officers to act as the Harbour Board's authorised officers in the performance of their statutory or other duties (as evidence of their bona fides).

- 2.2.4 Make consequential amendments to the Scheme of Delegation to reflect the re-designation of posts and the re-allocation of functions which affect the terms of the Scheme.

PART 4 - OFFICER SCHEME OF DELEGATION

Section 2 – Authorities relating to particular Functions or Services

3.0 AUTHORITIES RELATING TO PARTICULAR FUNCTIONS OR SERVICES

3.1 Finance

	Function	Responsibility
Certification of Claims and Returns		
3.1.1	Authority to sign all grant and similar claims, tax returns and all other statutory financial returns, on behalf of the Harbour Board except where the Chairman's and/or Clerk's signature is also required.	Treasurer
Signing Cheques on Behalf of the Harbour Board		
3.1.2	General Current Account and on an interest bearing account.	At least two other authorised signatory from the following: <ul style="list-style-type: none"> ▪ Treasurer • Harbour Master/Manager ▪ Clerk ▪ A named member of the Audit Committee
3.1.3	Petty Cash Account	
3.1.4	All matters relative to the invoicing, administration, collection and recovery of Miscellaneous Income	The Harbour Master/Manager, Treasurer, Accounting & Administration Officer and Clerk with authority to further delegate as he /she considers appropriate
3.1.5	Power to write-off irrecoverable amounts up to £150	The Harbour Master/Manager Treasurer and Clerk with authority to further delegate as he considers appropriate
3.1.6	Power to act for the Harbour Board in matters relating to the recovery of sundry debts via the County Court	
3.1.7	Transfer of monies between authorised Harbour Board Accounts.	Treasurer with the authority to further delegate as he considers appropriate

PART 4 - OFFICER SCHEME OF DELEGATION

Section 2 – Authorities relating to particular Functions or Services

3.2 Human Resources

	Function	Responsibility
3.2.1	Authority to take action in relation to the appointment of the Harbour Master/Manager, Clerk and Treasurer and key 2nd tier appointments to be delegated as follows:	
	<ul style="list-style-type: none"> • Harbour Master/Manager, Clerk, Treasurer and Chairman 	The Harbour Board upon receiving a recommendation from the Personnel Sub Committee or a panel of the Sub Committee as set out in its Terms of Reference.
	<ul style="list-style-type: none"> • Deputy Harbour Master 	Personnel Sub Committee as set out in its Terms of Reference
Recruitment and Selection		
3.2.2	Appointment of staff other than management posts	Harbour Master/Manager, Clerk, Treasurer as appropriate.
Conditions of Service		
3.2.3	Payment of annual cost of living salary/wage awards	Personnel Sub Committee if within the approved budget or the Board if not.
3.2.4	Granting of additional increments within the appropriate grade for established posts if within budget.	
	<ul style="list-style-type: none"> • Senior Management Posts 	Harbour Board/ Personnel Sub Committee
	<ul style="list-style-type: none"> • Other Posts 	Harbour Master/Manager in consultation with the

	Function	Responsibility
		Treasurer and Chairman.
3.2.5	<p>Authorisation of training courses for:</p> <ul style="list-style-type: none"> • Management and General training and • Professional and Technical if above are within approved budget limits 	Harbour Master/Manager
3.2.6	Payment of overtime for hourly paid staff	Harbour Master/Manager
3.2.7	Regrading of Staff (other than management posts, i.e. Harbour Master/, Clerk, Treasurer)	Personnel Sub-Committee if within agreed budget and full Harbour Board for management posts and for any proposed re-gradings or increase in fees which are outside the approved budget.
3.2.8	Variation of detail of disciplinary and grievance procedures following consultation/agreement with staff side representatives	Harbour Master/Manager in consultation with the Human Resources Advisors at WSCC.
3.2.9	<p>Authority to implement changes in conditions of service which arise from:</p> <p>legislative requirements or</p> <p>changes in nationally adopted terms and conditions applying to Harbour Board employees</p>	
3.2.10	Approval of all terminations of service in respect of early retirement and/or redundancy within the framework of restructuring proposals	To be approved by the Harbour Board
Establishment		
3.2.11	Revision to establishment within business plan requirements and budgetary/financial restrictions. (Note: major organisation changes will require Board approval.)	Harbour Master/Manager, in consultation with Human Resources Advisors at WSCC .

PART 4 - OFFICER SCHEME OF DELEGATION

Section 2 – Authorities relating to particular Functions or Services

3.3 Legal

	Function	Responsibility
3.31	Execution of legal documents on behalf of the Harbour Board	Clerk to the Harbour Board together with other persons authorised by the Clerk
3.3.2	Authority to brief Counsel and take Counsel's Opinion	
3.3.3	Legal proceedings for the recovery of debts owing to the Harbour Board	The Harbour Master/Manager and Treasurer to the Harbour Board
3.3.4	The serving of relevant legal and other Notices required to implement the decisions of the Harbour Board.	The Harbour Master/Manager and the Clerk
3.3.6	Authority to engage outside legal assistance including the appointment of London Agents	Clerk to the Harbour Board in consultation with the appropriate other officers of the Board
3.3.7	Institution of any criminal or civil legal proceedings against persons occupying without licence or consent, land or buildings owned by the Harbour Board or in respect of which the Harbour Board is entitled to possession	Harbour Master/Manager where involved with the management or occupation of the land or buildings, in consultation with the Clerk, the Board's approved HR adviser.

PART 4 - OFFICER SCHEME OF DELEGATION

Section 2 – Authorities relating to particular Functions or Services

3.4 Estates Management

	Function	Responsibility
3.4.1	To agree terms for the temporary letting on licence of all or part of any buildings or land	Harbour Master/Manager in consultation with the Clerk and Treasurer
3.4.2	In respect of items paragraphs 3.4.1 above, to negotiate any of the matters therein referred to	Harbour Master/Manager

3.5 Resources – General

	Function	Responsibility
3.5.1	Authority temporarily to let Harbour Board accommodation facilities on appropriate charges	Harbour Master/Manager
	Engagement of consultants as and when required	Harbour Master/Manager, Clerk and Treasurer, subject to Standing Orders Relating to Contracts being adhered to and being within approved budgets.

PART 4 - OFFICER SCHEME OF DELEGATION

3.6 HARBOUR ACTS

Ref	Function	Responsible	Empowering Act(s)	Limit of Authority
3.6.1.0	Setting & Collection of Dues			
3.6.1.1	Establishing and varying the Schedule of Charges	Harbour Master/Manager/ Treasurer to the Board	Harbour, Docks & Piers Clauses Act 1847 (XXX) 350	Must be sanctioned by the Board before implementation
3.6.1.2	Power to compound charges	Harbour Master/Manager/ Treasurer to the Board	Harbour, Docks & Piers Clauses Act 1847 (XXX) 351	Must be sanctioned by the Board before implementation
3.6.1.3	Power to levy penalty of 3 times the rate of harbour dues for non payment	Harbour Master/Manager	Harbour, Docks & Piers Clauses Act 1847 (XL111) 353	None
3.6.1.4	Requirement to publish dues and rates	Harbour Master/Manager	Harbour, Docks & Piers Clauses Act 1847 (XXLV11) 354	None
3.6.1.5	Distrain/arrest/disposal by sale of vessel(s) in the event of non payment of dues	Harbour Master/Manager	Harbour, Docks & Piers Clauses Act 1847	None

Ref	Function	Responsible	Empowering Act(s)	Limit of Authority
3.7.0	Statutory Powers Vested in the Harbour Master/ Manager	Harbour Master/Manager	Harbour, Docks & Piers Clauses Act 1847	
3.7.1	Regulate the time and manner in which any Vessel may enter, depart or berth within the Harbour Limits. Regulate the position in which any Vessel shall load or unload cargo or passengers. Regulate the manner of any repairs or servicing. Regulate the conduct of any vessel so as to prevent injury to other vessels and to the Harbour, Dock or Pier. For removing unserviceable Vessels and other obstructions from the Harbour, Dock or Pier. Regulate quantity or weight of ballast of vessels during delivery and discharging.	Harbour Master/Manager	Harbour, Docks & Piers Clauses Act 1847 (LII) 355/6	None
3.7.2	Power for the Harbour Master to remove wrecks or other obstructions which impeded safe navigation and recover costs of doing so if appropriate	Harbour Master/Manager	Harbour, Docks & Piers Clauses Act 1847 (LV1) 356	None
3.7.3	Power for the Harbour Master to remove unfit or neglected vessels from the Harbour limits and recover costs of doing so where appropriate.	Harbour Master/Manager	Harbour, Docks & Piers Clauses Act 1847 (LVII) 357	None
3.7.4	Power for Harbour Master to move unmanned vessels	Harbour Master/Manager	Harbour, Docks & Piers Clauses Act 1847 (LVIII) 357	None
3.8	Powers Vested in the Board			
3.8.1	Laying of navigation buoys and lights as directed by Trinity House	Harbour Master/Manager	Harbour, Docks & Piers Clauses Act 1847 (LXXX111) 362	None

Ref	Function	Responsible	Empowering Act(s)	Limit of Authority
3.8.2	Power to make Byelaws	Clerk to the Board	Harbour, Docks & Piers Clauses Act 1847 (LXXX111) 363	Board Authority required
3.9.0	Repairs & Maintenance to Harbour Infrastructure			
3.9.1	Maintain west pier and east and west entrance walls south of the footbridge so as to maintain the harbour as an outfall of the River Arun	Harbour Master/Manager	Littlehampton Harbour and Arun Drainage Outfall Act 1927 Section 38	Board approval required if such works are not allowed for in the current budget and action is urgently required. The Harbour Master/Manager may authorise works within the financial limits set in the Constitution for this post.
3.10.0	The Responsibilities and Duties of the Board with Regard to the Operation of the Harbour			
3.10.1	To be the Competent Harbour Authority i.e. one which has statutory powers in relation to the regulation of shipping movements and the safety of navigation within its harbour and whose Harbour falls wholly or partly within an active pilotage district.	Harbour Master & Manager	Pilotage Act 1987	To carry out the Pilotage functions required of a competent harbour authority as regulated by the Pilotage Act 1987
3.10.2	As a Competent Harbour Authority the Board shall keep under consideration:- a] whether any and, if so, what pilotage services need to be provided to secure the safety of the ships navigating in or in the approaches to its Harbour; and	Harbour Master & Manager	Pilotage Act 1987	To carry out the Pilotage functions required of a competent harbour authority as regulated by the Pilotage Act 1987

Ref	Function	Responsible	Empowering Act(s)	Limit of Authority
	b] whether in the interests of safety pilotage should be compulsory for ships navigating in any part of the harbour or its approaches and if so, for which ships and in which circumstances and what pilotage services need to be provided for those ships.			
3.10.3	To keep life buoys available	Harbour Master/Manager	Littlehampton Harbour and Arun Drainage Outfall Act 1927	None
3.10.4	To ensure the Harbour is a place of safety operated to nationally agreed standards.	Harbour Master/Manager	Port Marine Safety Code	The Harbour Master/Manager to take whatever action is required to meet the standards required by the Port Marine Safety Code and current UK Health & Safety Legislation. If such steps may exceed the Board's approved budget, any such expenditure shall only be authorised after consultation with the Treasurer and a report submitted to the next available meeting of the Harbour Board. Such sums up to £2,000 may be authorised by the Treasurer.

Ref	Function	Responsible	Empowering Act(s)	Limit of Authority
3.10.5	To ensure that a safety management system exists for the Harbour and that such a system is informed by and based upon formal risk assessment	Harbour Master/Manager	Port Marine Safety Code	The Harbour Master/Manager must ensure that a safety management system is in place together with a documented risk analysis. The Board should ensure that such a system is regularly reviewed and a report made to the Board.
3.10.6	To demonstrate compliance with the Port Marine Safety code and in the interests of transparency the board will need to ensure that a periodic statement setting out the policy it has adopted for discharging its duty to ensure that marine operations in the harbour and its approaches are properly regulated is produced; reporting on the effectiveness of that policy and its associated systems and procedures is carried out regularly.	Harbour Master/Manager	Port Marine Safety Code	Harbour Master/Manager will need to ensure that such a statement is prepared and submitted to demonstrate such to the Board. Board Members are collectively accountable and individually responsible under this code for the proper exercise of the Harbour's statutory functions.
3.10.7	Maintain Navigation Lights and Marks	Harbour Master/Manager	Trinity House; Harbour, Docks & Piers Clauses Act 1847 (LXXV11) 362 Littlehampton Harbour and Arun Drainage Outfall Act 1927 S.52 Port Marine Safety Code	The Harbour Master/Manager needs to ensure that the Harbour meets the standards required by Trinity House and the Port Marine Safety Code

Ref	Function	Responsible	Empowering Act(s)	Limit of Authority
3.10.8	<p>“The Board may from time to time –</p> <p>a] alter dredge and scour entrance channels and waterways of the harbour</p> <p>b] widen deepen enlarge improve and maintain the docks entrance channels and waterways of the harbour and reduce or remove any shoals or accumulations .</p> <p>c] abate or remove obstructions and nuisances in the entrance channels and waterways of the harbour or on the banks thereof</p> <p>d] sell or dispose of any materials raised by them under this section or lay the same behind any piers or structure or otherwise use such materials for the purpose of making, altering, repairing and maintaining the banks and foreshore of and improving the harbour.</p> <p>e] execute all other works which shall be necessary or proper for rendering the harbour safe and commodious and for carrying out the purposes of the Act provided that no materials raised under the provisions of this section shall be deposited in any place below high-water mark otherwise than in such position and under such restrictions as may be fixed by the Board of Trade.</p>	Harbour Master/Manager	<p>Littlehampton Harbour and Arun Drainage Outfall Act 1927 Section 38</p> <p>Port Marine Safety Code</p>	If such works are not allowed for in the current budget and action is urgently required, the Harbour Master/Manager may authorise works within the financial limits set in the Constitution for this post.
3.11.0	The Financial Responsibilities of the Board		Littlehampton Harbour and Arun Drainage Outfall Act 1927 and West Sussex County Council Act 1972	
3.11.1	All receipts of the Harbour Board shall be carried to a common fund and all expenses incurred by the Harbour Board shall be defrayed out of the fund.	Treasurer	West Sussex County Council Act 1972 s17 (1)	None

Ref	Function	Responsible	Empowering Act(s)	Limit of Authority
3.11.2	The Harbour Board shall make safe and efficient arrangements for the receipt of monies paid to them and the issue of monies payable by them and those arrangements shall be carried out under the supervision of the Treasurer to the Board	Treasurer, Accounting & Administration Officer	West Sussex County Council Act 1972 s17 (2)	None
3.11.3	Any deficiency (after taking into account any contributions made under Section 19 (Contributions to expenses of Harbour Board) of this Act in the revenues of the Harbour Board in any financial year shall be made good in the first instance out of the Reserve Fund and if the Reserve Fund shall be insufficient for the purpose of meeting the deficiency of the Harbour Board, (i.e. it would fall below the required £35,000), shall apportion the residue of the deficiency equally between the two Local Authorities.	Treasurer	West Sussex County Council Act 1972 s18 (1)	None
3.11.4	The Harbour Board shall issue precepts to each of the two Local Authorities in respect of any deficiency in the Reserve Fund in equal proportions	Treasurer	West Sussex County Council Act 1972 s18 (2)	None
3.11.5.	The Harbour Board shall no later than 31 December in each year estimate the amount of money (if any) required by them for expenditure in excess of their income in the ensuing financial year.	Treasurer	West Sussex County Council Act 1972 s19 (1)	None
3.11.6	The Treasurer of the Board must call upon the two Constituent Authorities to pay any amount that cannot be met from the Reserve Fund by virtue of paragraph (a) of subsection (2) of Section 22 (Reserve Fund) in equal portions and by any instalments as may be demanded by the Treasurer to the Board.	Treasurer	West Sussex County Council Act 1972 s19 (2)	None

Ref	Function	Responsible	Empowering Act(s)	Limit of Authority
3.11.7	The Harbour Board shall as soon as practicable after the end of each Financial Year repay to the two Constituent Authorities the amount (if any) by which the contributions made under section 19 exceed the actual deficiency in the income of the Board for that year.	Treasurer	West Sussex County Council Act 1972 s19 (3)	None
3.11.8	<p>The Harbour Board shall apply the revenue of the Harbour Board except borrowed money in a manner following:-</p> <p>first, in payment of the working and establishment expenses and cost of maintenance of the undertaking;</p> <p>secondly, in payment of the interest on monies borrowed by the Harbour Board under any statutory power;</p> <p>thirdly, in providing the requisite appropriations, instalments or sinking fund payments in respect of monies borrowed as foresaid;</p> <p>fourthly, in payment of all expenses of the Harbour Board properly chargeable to revenue;</p> <p>fifthly, in payment of credit balances on the revenue account into the reserve fund;</p> <p>sixthly, in the payment to the two councils in equal shares of any surplus in the revenue which would otherwise cause the prescribed maximum amount of the reserve fund to be exceeded..</p>	Treasurer	West Sussex County Council Act 1972 s20	None
3.11.9	Ensure that “taking one year with another, the revenues if the Harbour Board are, so far as is reasonably practicable, not less than sufficient to meet their outgoings ...” except for expenditure incurred under the Board’s liabilities in paragraph (b) Section 16 “....such drainage works as the Harbour Board may consider necessary for the purpose of maintaining or improving the harbour, being drainage works which the river authority *are not willing to undertake (*now the Environment Agency).	Treasurer	West Sussex County Council Act 1972 s21	None

Ref	Function	Responsible	Empowering Act(s)	Limit of Authority
3.11.10	<p>The Harbour Board shall provide a reserve fund in respect of the undertaking by setting aside such amount as they may from time to time think reasonable and (unless the amounts so set aside are applied in any other manner authorised by any enactment) investing the same until the fund so provided amounts to the maximum reserve fund for the time being prescribed by the Harbour Board.</p> <p>(2) The reserve fund shall be applicable:-</p> <ul style="list-style-type: none"> a] to answer any deficiency at any time happening in the revenues of the Harbour Board, but not so as to reduce the reserve fund to any amount less than thirty five thousand pounds; b] in or towards the payment of the costs of the construction, renewal, improvement or extension of any works, building, machinery, plant or conveniences forming part of the undertaking or otherwise for the benefit thereof; c] in repaying any capital monies borrowed for the purposes of the undertaking; d] in meeting any extraordinary claim or demand at any time arising against the harbour board; <p>And so that if the reserve fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction occurs.</p> <p>(3) Resort may be had to the reserve fund although such fund may not at the time have reached or may have been reduced below the prescribed maximum.</p>	Treasurer	West Sussex County Council Act 1972 s22 (1), 22 (2) (a) (b) (c) (d) 2 (3)	Board to define the maximum amount of reserve

Ref	Function	Responsible	Empowering Act(s)	Limit of Authority
3.11.11	The Modes by which the Harbour Board may raise money which they are authorised to borrow shall include borrowing by the means of agreement with the Public Works Loan Board Commissioners under Section 2 of the Public Works Loans Act 1965.	Treasurer	West Sussex County Council Act 1972 s26	All loans must be authorised by the Board
3.11.12	<p>The Harbour Board may borrow from the Council such money as the Council think fit to lend and as the Harbour Board are authorised to borrow for the purpose for which such money so lent shall be repaid to the Council by the Harbour Board within the period prescribed by the sanctioning authority or otherwise for the repayment thereof.</p> <p>Any agreement under this section may be by resolution passed respectively by the Council and by the Harbour Board.</p>	Treasurer	West Sussex County Council Act 1972 s27 (1) (2)	All loans must be authorised by the Board
3.11.13	The Harbour Board shall cause the Treasurer to the Board to keep proper books of accounts and other books in relation thereto and to prepare annual accounts.	Treasurer	West Sussex County Council Act 1972 s29	None
3.11.14	The Harbour Board shall within three months of the close of each financial year, or such longer period as the Secretary of State may allow, send to the Secretary of State a copy of the annual accounts of the undertaking.	Treasurer	West Sussex County Council Act 1972 s30	None
3.11.15	The accounts of the Harbour Board shall at all reasonable times be open to inspection and transcription without payment by a member of a constituent authority or by any officer of a constituent authority authorised by that constituent authority for that purpose. 31 (1)	Treasurer	West Sussex County Council Act 1972 s31	None
3.11.16	The Accounts of the Harbour Board shall be audited annually by the system of district audit. It shall be lawful for the Harbour Board subject to the consent of the Secretary of State, from time to time by means of resolution to adopt the system of professional audit provided the system conforms to Section 239 (3) and (4) Accounts and Audit Act 1933.	Treasurer	West Sussex County Council Act 1972 s31 (2) (a) and (b) & s31 (3)	None

Ref	Function	Responsible	Empowering Act(s)	Limit of Authority
3.11.17	As soon as practicable after the completion of the audit in every financial year the Treasurer of the Harbour Board shall forward to each constituent authority a copy of the annual accounts of the Harbour Board for that year and of any report to the Harbour Board made by the Auditor.	Treasurer	West Sussex County Council Act 1972 s31 C (3)	None
3.11.18	As a Competent Harbour Authority the Board must ensure that it makes available for inspection by the public any statement of accounts which relates to the activities of the Board in relation to pilotage.	Treasurer	Pilotage Act 1987	None

PART 4 – OFFICER SCHEME OF DELEGATION

Section 2 – Authorities Relating to Particular Functions or Services

4.0 GENERAL AND TENDERING PROCEDURES

4.1 Tendering Procedures

	Function	Responsibility
4.1.1	Contracts under £10,000 - invitation of quotations - guidelines set out as follows:-	Appropriate Harbour Board officer
<p>The appropriate Harbour Board officer will place orders for goods and works and, in cases where more than one quotation is received, will accept the quotation which is most advantageous to the Harbour Board, provided the total amount of the order or contract involved does not exceed £10,000. The following guidelines will be adopted by the Harbour Officers when placing orders under £10,000, and these should be waived only in exceptional cases where the appropriate Harbour Board Officer considers such a course would be in the best interests of the Harbour Board. For the avoidance of doubt, the term "quotation" is used for matters under £10,000 in value, to distinguish them from such matters over £10,000 which fall under the Rules as to Contracts. Notwithstanding the minimum number of quotations set out below competitive quotations will, in all cases, be obtained where this is considered desirable & officers will comply with the Contracts Procedure Rules.</p>		
	Value of Goods or Work	Category
		Minimum no. of Quotations to be obtained
	Not exceeding £2,000	A
	Exceeding £2,000 but not exceeding £10,000	B
		3
<p>Quotations under B are to be invited by letter, which should specify in detail the goods or works required and the date by which all quotations are to be received and opened.</p>		
4.1.2	The acceptance of the lowest tender received on any matter, provided any excess of the tender figure over the sum as estimated by the appropriate Officer shall not be greater than 10% of the estimated sum or £10,000 whichever is the lower.	The appropriate Harbour Board Officer to make recommendation to the Chairman or to the Full Harbour Board if the value exceeds the estimated sum by 10% or £10,000.

	Function	Responsibility
4.1.3	Selective tendering (ad hoc lists). Authority to select persons to tender in accordance with the Rules relating to Contract.	The Chairman
4.1.4	Selective Tendering (Approved List). Authority to approve a list of contractors and to approve additions or deletions at three-monthly intervals and complete annual reviews following consideration of reports from the officers.	The Chairman
4.1.5	Annual Tenders - authority to accept the most advantageous tenders for the supply of goods and services.	The appropriate Harbour Board Officer in consultation with the Chairman. The Chairman being authorised to agree the placement of orders in accordance with annual tenders accepted by the West Sussex County, Arun District Council or any relevant public authority, where appropriate.

Further details of the rules relating to Purchasing, Procurement, Contracts and Disposals can be found at Part 6 Section 3 of the Constitution.

PART 5 - RULES OF PROCEDURE (MEETINGS)

PART 5 - RULES OF PROCEDURE (MEETINGS)

SECTION 1 HARBOUR BOARD MEETING

SECTION 1 - HARBOUR BOARD MEETING PROCEDURE RULES

1.0 ANNUAL MEETING OF THE HARBOUR BOARD

1.1 Timing and Business

In every fourth year when an Appointed Day falls the Annual Meeting will take place in the month of May or such other month as determined by the Harbour Board (Littlehampton Harbour and Arun Drainage Outfall Act 1927 S20). In any other year, the Annual Meeting will take place in April or May as decided by the Harbour Board.

1.2 The Annual Meeting will:-

- 1.2.1 elect a person to preside if the Chairman is not present,
- 1.2.2 receive questions from the public pursuant to Rule 8 below.
- 1.2.3 elect the Chairman on receiving the nominations of other Board Members, pursuant to Part 2 Article 5. (5.1.1)
- 1.2.4 elect the Vice-Chairman on receiving the nominations of other Board Members, as set out in 1.2.3 above.
- 1.2.5 approve the Minutes of the last meeting,
- 1.2.6 receive any Declarations of Interest from Members,
- 1.2.7 receive any announcements from the Chairman,
- 1.2.8 make appointments to Committees and outside bodies,
- 1.2.9 consider any business set out in the notice convening the meeting.

2.0 ORDINARY MEETINGS

2.1 Ordinary meetings of the Harbour Board will take place in accordance with the programme decided by the Harbour Board. Ordinary meetings will:-

- 2.1.1 elect a person to preside if the Chairman and Vice-Chairman are not present,
- 2.1.2 receive questions from the public pursuant to Rule 8 below,
- 2.1.3 approve the Minutes of the last meeting,
- 2.1.4 receive any Declarations of Interest from Members,
- 2.1.5 deal with business not otherwise specified in the Harbour Board summons but which previous notification has been received from the Clerk and which, in the opinion of the Chairman (in consultation with the Harbour Master/Manager and Clerk, is business of such urgency as to require immediate attention by the Harbour Board,
- 2.1.6 consider any other business specified in the summons to the meeting.

2.2 The order of business may be varied:

- by the Chairman at his/her discretion, or
- by a resolution passed on a motion which shall be moved, seconded and put without discussion.

PART 5 - RULES OF PROCEDURE (MEETINGS)

SECTION 1 HARBOUR BOARD MEETING

3.0 SPECIAL MEETINGS

- 3.1 Special meetings of the Harbour Board may be called if any five or more Board Members agree to such a meeting being called. (C.C. Act 1847 S45)
- 3.2 The following procedures shall then apply for a Special Meeting
- 3.2.1 select a person to preside if the Chairman and Vice-Chairman are not present,
 - 3.2.2 approve the Minutes of the last meeting,
 - 3.2.3 receive any Declarations of Interest from Members,
 - 3.2.4 deal with business not otherwise specified in the Harbour Board summons but of which previous notification has been received from the Clerk and which, in the opinion of the Chairman of the Harbour Board (in consultation with the Harbour Master/Manager and Clerk) is business of such urgency as to require immediate attention by the Harbour Board.

4.0 TIME AND PLACE OF MEETINGS

- 4.1 Meetings of the Harbour Board shall ordinarily be held at 10.00 a.m. at the Civic Centre, Maltravers Road Littlehampton, or at such other time or place as the Clerk may direct or the Board agree by resolution.

5.0 NOTICE AND SUMMONS OF MEETINGS (C.C. ACT 1847 S.47)

The Clerk to the Board will give notice in writing and deliver it, by hand, post or e-mail, to the members of the Board and make such notice available to the public of the time and place of each meeting. At least two clear days before a meeting, the Clerk, will send a summons by post or email to every Member of the Harbour Board or leave it at their usual place of residence. The summons will:

- give the date, time and place of the meeting,
- specify the business to be transacted and
- be accompanied by such reports as are available.

6.0 CHAIRMAN OF THE MEETING

- 6.1 The person presiding at the meeting may exercise any power or duty of the Chairman.
- 6.2 Where these rules apply to Sub Committee meetings, references to the Chairman also include the Chairman of a Sub Committee.

7.0 QUORUM

- 7.1 The Quorum of a full Harbour Board is for five Board members to be present (C.C. Act 1847 S39). The Quorum of a Personnel Sub Committee or any other Sub Committee is for three members to be present. (C.C. Act 1847 S50).
- 7.2 If, within 30 minutes of the stated start time on the Summons/Agenda or during any meeting of the Harbour Board, or any Sub Committee, the Chairman or the Clerk, if no members present, after counting the number of Members present, declares that there is not a Quorum present, the meeting may adjourn the meeting to another day or time (C.C. Act 1847 S41).

PART 5 - RULES OF PROCEDURE (MEETINGS)

SECTION 1 HARBOUR MEETING

7.3 The consideration of any business not transacted shall be adjourned to a time and place fixed by the Clerk or, if he does not fix a time and place, to the next ordinary meeting of the Harbour Board.

7.4 In the absence of the Clerk, the Harbour Master/Manager may, with the agreement of the Chairman of the Board, temporarily fulfil the duties of the Clerk to call and service meetings.

8.0 QUESTIONS BY THE PUBLIC AND PETITIONS

8.1 General

Members of the public may ask questions of Members and officers of the Harbour Board at meetings of the Harbour Board. Members of the public will be allowed a maximum of one minute for each question and the time for questions from the public will be limited to a total of 15 minutes save that the Chairman may extend the time at his discretion. Members of the public are encouraged to give written notice of their questions prior to the meeting.

8.2 Order of Questions

Questions will be asked in the order in which they are received, but:-

- the Chairman may group together similar questions and
- a member of the public may only ask one question at a time. Other members of the public will be invited to ask questions and only if there is sufficient time left remaining will the original questioner(s) be entitled to ask further questions.

8.3 Scope of Questions

The Clerk and/or Chairman may reject a question if it:

- is not about a matter for which the Harbour Board has a responsibility or which affects the jurisdiction of the Harbour Board,
- is, or in his/her opinion may be, defamatory, frivolous or offensive,
- is substantially the same as a question which has been put at a meeting of the Harbour Board in the past six months or would lead to the disclosure of Confidential or Exempt information.

8.4 Asking the Question at the Meeting

8.4.1 The Chairman will invite the questioner to put the question. The Chairman may invite a Member or officer of the Board other than any that may be named or referred to in the question to respond to the question.

8.4.2 If a questioner who has submitted a written question is unable to be present, he may ask the Chairman to put the question on his/her behalf. The Chairman may:

- ask the question on the questioner's behalf
- indicate that a written reply will be given or
- decide, in the absence of the questioner, that the question will not be dealt with.

8.4.3 If a questioner who has submitted a written question would prefer it to be read out, he may ask the Chairman to put the question on his/her behalf.

PART 5 - RULES OF PROCEDURE (MEETINGS)

SECTION 1 HARBOUR MEETING

8.5 Written Answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member or Officer to whom it was to be put, will be dealt with by a written answer.

8.6 Reference of Question to the Board or a Sub Committee

Unless the Chairman decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to a later meeting of the Harbour Board or to an appropriate Sub Committee. Once seconded, such a motion will be voted on without discussion.

8.7 Petitions

Petitions from the public may be presented to the Chairman at the end of public question time. They shall then stand referred to a future Board meeting or relevant Sub Committee for consideration.

9.0 MOTIONS ON NOTICE

9.1 Motions and Amendments

A motion or amendment shall not be debated unless:

- it has been proposed and seconded (although before it has been seconded the proposer may explain to the Harbour Board the purpose of the motion) and
- if required by the Chairman it has been put into writing.

9.2 Secunder's Speech

A Member, when seconding a motion or amendment, may do so at the start of the debate upon it or may reserve a right to speak immediately before the persons referred to in Rule 11.9.

9.3 Only One Member to Speak at a Time

A Member, when speaking, shall address the Chairman. If two or more Members wish to speak the Chairman shall call on one to speak. The other or others shall await the Chairman calling them. While a Member is speaking the other Members shall not speak unless raising Point of Order or in personal explanation.

9.4 Contents of Speeches

9.4.1 A Member shall direct his/her speech to the question under discussion or to a personal explanation or to a Point of Order.

PART 5 - RULES OF PROCEDURE (MEETINGS)
SECTION 1 HARBOUR BOARD MEETING

9.5 Amendments to Motions

9.5.1 An amendment shall be relevant to the motion and shall be either:-

- to refer a subject to debate to a later Board meeting or Sub Committee for consideration or re-consideration,
- to leave out words,
- to leave out words and insert or add words and
- to insert or add words

but such omission, insertion or addition of words shall not have the effect of negating the motion before the Harbour Board.

9.5.2 Amendments shall be discussed and voted on in the order in which they are moved and a prior amendment must be disposed of before a subsequent amendment is considered. The Chairman may not permit two or more amendments to be received at the same time.

9.5.3 If an amendment be lost, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

9.5.4 Any amendment moved and seconded at a Harbour Board meeting which involves a variation in approved expenditure and of which no notice has been given and on which no financial report is available shall, at the discretion of the Chairman, after consultation with the Harbour Master/Manager, Clerk and Treasurer stand referred to a later Harbour Board meeting for consideration.

10.0 MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

10.1 to appoint a Chairman of the meeting at which the motion is moved;

10.2 in relation to the accuracy of the minutes;

10.3 to change the order of business in the agenda;

10.4 to refer something to an appropriate body or individual;

10.5 to appoint a Sub Committee arising from an item on the summons for the meeting;

10.6 to receive reports or adopt recommendations of Sub Committees or officers and any resolutions following from them;

10.7 to amend a motion;

10.8 to proceed to the next business;

PART 5 - RULES OF PROCEDURE (MEETINGS)

SECTION 1 HARBOUR BOARD MEETING

- 10.9 that the question be now put;
- 10.10 to adjourn a debate;
- 10.11 to adjourn a meeting;
- 10.12 to suspend a particular Harbour Board procedure rule;
- 10.13 to exclude the public and press and accredited Members of the press;
- 10.14 to not hear further a Member named under Rule 17.2 and
- 10.15 to give the consent of the Harbour Board where its consent is required by this Constitution.

11.0 RULES OF DEBATE

11.1 Motions and Amendments

A motion or amendment shall not be debated unless:

- it has been proposed and seconded (although before it has been seconded the proposer may explain to the Harbour Board the purpose of the motion) and
- if required by the Chairman it has been put into writing.

11.2 Secunder's Speech

A Member, when seconding a motion or amendment, may do so at the start of the debate upon it or may reserve a right to speak immediately before the persons referred to in Rule 11.9

11.3 Only One Member to Speak at a Time

A Member, when speaking, shall address the Chairman. If two or more Members wish to speak the Chairman shall call on one to speak. The other or others shall await the Chairman calling them. While a Member is speaking the other Members shall not speak unless raising Point of Order or in personal explanation.

11.4 Contents and Length of Speeches

11.4.1 A Member shall direct his/her speech to the question under discussion or to a personal explanation or to a Point of Order.

11.5 Amendments to Motions

11.5.1 An amendment shall be relevant to the motion and shall be either:-

- to refer a subject to debate to a later Board meeting or Sub Committee for consideration or re-consideration,
- to leave out words,
- to leave out words and insert or add words and
- to insert or add words

but such omission, insertion or addition of words shall not have the effect of negating the motion before the Harbour Board.

PART 5 - RULES OF PROCEDURE (MEETINGS)

SECTION 1 HARBOUR BOARD MEETING

- 11.5.2 Amendments shall be discussed and voted on in the order in which they are moved and a prior amendment must be disposed of before a subsequent amendment is considered. The Chairman may not permit two or more amendments to be received at the same time.
- 11.5.3 If an amendment be lost, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.
- 11.5.4 Any amendment moved and seconded at a Harbour Board meeting which involves a variation in approved expenditure and of which no notice has been given and on which no financial report is available shall, at the discretion of the Chairman, after consultation with the Harbour Master/Manager, Clerk and Treasurer stand referred to a later Harbour Board meeting for consideration.

11.7 Alteration of a Motion

11.7.1 A Member may with the consent of the Harbour Board signified without discussion:

- alter a motion of which he has given notice or
- with the further consent of his/her seconder alter a motion which he has moved.

11.7.2 Only alterations which could be made as an amendment may be made.

11.8 Withdrawal of Motion

11.8.1 A Motion or amendment may be withdrawn by the mover with the consent of the Chairman or Clerk of the Harbour Board

11.9 Right to Reply

- 11.9.1 The mover of a motion has a right to reply at the end of the debate on the motion. He may exercise the right of reply and then:
- the Chairman shall have the right to speak immediately before the vote is taken on the motion.
- 11.9.2
- If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- 11.9.3
- The mover of the amendment has no right of reply to the debate on his or her amendment.

PART 5 - RULES OF PROCEDURE (MEETINGS)

SECTION 1 HARBOUR BOARD MEETING

11.10 Motions Which May be Moved During Debate

When a motion is under debate, no other motion shall be moved, except the following:-

- to withdraw the motion;
- to amend the motion;
- to adjourn the meeting;
- to adjourn the debate;
- to proceed to the next business;
- that the question be now put;
- that a Board Member be not further heard and
- to exclude the public accredited members of the press and media.

11.11 Closure Motions

A Board Member may move without comment at the conclusion of a speech of another Board Member “that the Harbour Board proceed to the next business”, “that the question be now put”, “that the debate be now adjourned”, or “that the Harbour Board do now adjourn”, on the seconding of which the Chairman shall proceed as follows:

- 11.11.1 **On a motion to proceed to next business:** unless in the Chairman’s opinion the matter before the meeting has been insufficiently discussed, he shall first give the mover of the original motion a right of reply and then put to the vote the motion to proceed to next business;
- 11.11.2 **On a motion to proceed to next business:** unless in the Chairman’s opinion the matter before the meeting has been insufficiently discussed, he shall first put to the vote the motion that the question be now put, and if it is passed then give the seconder a right to speak if he earlier reserved it and the mover and Chairman the Right of Reply pursuant to Rule 11.9;
- 11.11.2 **On a motion to adjourn the debate or the meeting:** if in his/her opinion the matter before the Committee has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion he shall put the adjournment motion to the vote without giving the mover of the original motion his/her right of reply on that occasion.

PART 5 - RULES OF PROCEDURE (MEETINGS)

SECTION 1 HARBOUR MEETING

11.12 Points of Order

- 11.12.1 A Board Member shall raise a Point of Order or in personal explanation and shall be entitled to be heard forthwith.
- 11.12.2 A Board Member may raise a Point of Order at any time and the Chairman will hear the member immediately. A Point of Order may only relate to an alleged breach of the Harbour Board Rules of Procedure or the law. The Board Member must indicate the rule or law and the way in which he or she considers it has been broken. The Ruling of the Chairman on the matter will be final and shall not be open to discussion.
- 11.12.3 A Board Member may make a Personal Explanation at any time. A Personal Explanation may only relate to some material point of an earlier speech by the Member which may appear to have been misunderstood in the present debate, or to comply with a request from the Chairman under Rule 17.1. The Ruling of the Chairman on the admissibility of the Personal Explanation will be final and shall not be open to discussion.

11.13 Respect for the Chairman

Whenever the Chairman addresses the Board, no other Member shall remain speaking until the Chairman so directs and the Board shall be silent so that the Chairman can be heard without interruption.

12.0 VOTING AT BOARD MEETINGS OR SUB COMMITTEES

- 12.1 Any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.
- 12.2 It shall be the normal practice to vote on a recommendation in its entirety. However, if the recommendation is made up of more than one constituent part, it shall be up to the discretion of the Chairman whether to take a vote on each constituent part separately.
- 12.3 The election of the Chairman and Vice-Chairman of the Harbour Board, shall be by show of hands of the Board Members present. If there be equality of votes for the election of the post of Chairman it shall be decided by lot which of the Board Members having an equal number of votes shall be the Chairman (C.C. Act 1847 S 38).
- 12.4 In all other cases of equality in voting, the Chairman may have a second or casting vote. (C.C. Act 1847 S.38 and S.50).

13.0 MINUTES

- 13.1 The Chairman shall put the question that the Minutes of the last meeting of the Harbour Board be approved as a correct record.
- 13.2 No discussion shall take place upon the Minutes, except upon their accuracy and as to matters arising from the minutes. If no such questions are raised, or if questions are raised then as soon as they have been disposed of, the Chairman shall sign the Minutes.
- 13.3 Minutes will contain all motions and amendments in the exact form and order the Chairman put them.

PART 5 - RULES OF PROCEDURE (MEETINGS)
SECTION 1 HARBOUR BOARD MEETING

14.0 REVOCATION OF A RESOLUTION OF THE BOARD

14.1 No resolution at any meeting of the Board shall be revoked or altered at any subsequent meeting, unless notice of the intention to propose such revocation or alteration be given by the Clerk to each of the Board Members at least seven days before holding the meeting, nor unless such revocation or alteration be determined upon by a majority consisting of two-thirds of the Board Members present at such subsequent meeting, if the number of Board Members present at such subsequent meeting be not greater than the number present when such resolution was come to, or by a majority, if the number of Board members present at such subsequent meeting be greater than the number present at such former meeting. (C.C. Act 1847 S.44)

15.0 RECORD OF ATTENDANCES

15.1 Every Member of the Harbour Board attending any official Harbour Board meeting of which he is a Member, shall sign his/her name in the Attendance Book provided for that purpose.

16.0 EXCLUSION OF THE PUBLIC

Members of the public and accredited members of the press and media may only be excluded either:

- in accordance with the Access to Information Rules in Part 6 or
- Rule 18 (Disturbance by Public).

17.0 MEMBERS' CONDUCT

17.1 The Chairman shall, in his/her discretion, be able to request offensive and/or personal remarks made by Harbour Board Members to be withdrawn.

17.2 If at a meeting any Member of the Harbour Board, in the opinion of the Chairman of the Harbour Board, misconducts himself or herself by persistently disregarding the ruling of the Chairman, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Harbour Board, the Chairman or any other Member may move "that the Member named be not further heard", and the motion if seconded shall be put and determined without discussion.

17.3 If the misconduct or obstruction is continued and in the opinion of the Chairman renders the due and orderly dispatch of business impossible, the Chairman in addition to any other powers vested in him/her may require the Member to withdraw from the meeting and take no further part. He may also without question put, adjourn to a time, date and place to be specified by him/her the sitting of the Harbour Board or suspend the sitting of the Harbour Board for such period as he in his/her discretion shall consider expedient.

18.0 DISTURBANCE BY PUBLIC

18.1 If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room.

PART 5 - RULES OF PROCEDURE (MEETINGS)

SECTION 1 HARBOUR BOARD MEETING

18.2 Where the Chairman considers that a member of the public, whose behaviour has been disruptive or disorderly at a previous meeting of the Harbour Board, may, if admitted to the meeting, behave in a similar fashion such that it will, or is likely to, prevent the meeting from properly carrying out its function, the Chairman shall have the power to refuse that person admission to the meeting.

18.3 If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

19.0 DECLARATION OF INTERESTS

19.1 Harbour Board Members or officers with a personal interest in a matter who attend meetings of the Harbour Board at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration or when the interest becomes apparent.

19.2 A Member with a prejudicial interest in any matter must withdraw from the room where the meeting is being held whenever it becomes apparent that the matter is being considered at that meeting.

20.0 SUSPENSION AND AMENDMENT

20.1 Any of these Harbour Board Rules or Procedure except Rule 13.2 may be suspended by a motion on notice or without notice, if at least one half of the whole number of Members of the Harbour Board are present. Suspension can only be for the duration of the meeting.

20.2 Any motion to amend these rules shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Harbour Board.

21.0 APPLICATION

21.1 All of the Harbour Board Rules of Procedure apply to meetings of the Full Harbour Board.

22.0 SUBSTITUTION OF THE HARBOUR MASTER/MANAGER, CLERK, TREASURER AND CHAIRMAN

22.1 If the Clerk, is unavailable or unable to act for the purpose of any of these Harbour Board procedure rules, then the Harbour Master/Manager and/or Treasurer to the Harbour Board may be substituted for him.

PART 5 - RULES OF PROCEDURE (MEETINGS)
SECTION 2 - HARBOUR BOARD & SUB-COMMITTEES

SECTION 2 – PROCEDURE RULES

1.0 TO WHICH COMMITTEES DO THESE RULES APPLY?

These Rules apply to:

- the Harbour Board and any properly constructed Committee or Sub Committee of the Harbour Board

2.0 APPLICATION OF HARBOUR BOARD PROCEDURE RULES

2.1 Rules 4 to 7; 9 to 11; 12 to 18; and 19, 20 – 29 of the Harbour Board Procedure Rules apply to all Committees and Sub Committees.

2.2 Rule 8 (Questions by the Public and Petitions) only applies to the Harbour Board meetings and not Committees or Sub-Committees.

3.0 BUSINESS AT SUB COMMITTEE MEETINGS

No item of business may be considered at a meeting of a Committee or Sub-Committee unless either:

- a copy of the Agenda, including the item, may be open to inspection by members of the public for at least two clear days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened. Clear days mean normal weekdays excluding Bank Holidays and public holidays and excludes both the day the agenda is sent out and the day of the meeting.

4.0 DELEGATION OF POWERS

The power to take appropriate action (including the placing of contracts) within the scope of any properly constituted Sub Committee shall be delegated to those Sub Committees, but if a majority of Board Members of a Committee resolve that a matter so delegated is of sufficient public interest or importance to require consideration by the Harbour Board the Sub Committee shall make a recommendation on the matter to the Harbour Board and no action committing the Harbour Board to any particular course of action shall be taken until such recommendation shall have been considered and approved by the Harbour Board, who shall have power to deal with the matter in any way they resolve to be appropriate.

5.0 ELECTION OF CHAIRMEN OF SUB-COMMITTEES

5.1 Every Sub Committee shall at its first meeting, before proceeding to any other business, elect a Chairman and Vice-Chairman to hold office for the ensuing year.

5.2 In the absence from a meeting of the Chairman (and Vice-Chairman if elected) a Chairman for that meeting may be appointed to preside by those Board Members present.

PART 5 - RULES OF PROCEDURE (MEETINGS)
SECTION 2 - HARBOUR BOARD & SUB-COMMITTEES

6.0 ATTENDANCE OF MEMBERS

A Member of the Harbour Board shall have the right to attend any Sub Committee of the Harbour Board of which he is not a member, but he shall not vote thereat and his/her right to speak shall in all cases be subject to the permission of the Sub Committee.

7.0 QUORUM (C.C. ACT 1874 S.50)

- 7.1 The Quorum for a Committee or Sub Committee shall be three Board Members 7.2
If during any meeting of a Committee or Sub Committee the Chairman or the Clerk if no Members present, after counting the number of Members present, declares that there is not a Quorum present, the meeting will adjourn immediately.
- 7.3 The consideration of any business not transacted shall be adjourned to a time and place fixed by the Chairman or, if he does not fix a time and place, to the next meeting of the Committee or Sub Committee.

PART 6 - RULES OF PROCEDURE (OTHER)

PART 6 - RULES OF PROCEDURE (OTHER)
SECTION 1 – ACCESS TO INFORMATION PROCEDURE RULES

1.0 SCOPE AND DEFINITIONS

1.1 These rules apply to all meetings of the Littlehampton Harbour Board and its Committees and Sub-Committees. 1.2. References in these rules to ‘clear days’ means week days excluding Bank and Public Holidays and excludes the day on which a Notice is posted under Rule 4.0 or opened to public inspection under Rule 5.0, and the day of the meeting.

2.0 ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3.0 RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions in these rules.

4.0 NOTICES OF MEETING

The Littlehampton Harbour Board will give at least two clear days notice of any meeting (S.47 CC Act 1847) by posting details of the meeting at the Harbour Office, Littlehampton and on the Littlehampton Harbour Board’s web site.

5.0 ACCESS TO AGENDAS AND REPORTS BEFORE THE MEETING

The Littlehampton Harbour Board will make copies of the agenda and reports open to the public available for inspection at the designated office at least two clear days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the Clerk shall make each such report available to the public as soon as the report is completed and sent to Members of the Harbour Board.

6.0 SUPPLY OF COPIES

The Harbour Board will supply to any person copies of:

- any agenda and reports which are open to public inspection,
- any further statements or particulars necessary to indicate the nature of the items in the agenda and
- if the Clerk thinks fit, copies of any other documents supplied to Board Members in connection with an item.

7.0 ACCESS TO MINUTES ETC AFTER THE MEETING

7.1 The Harbour Board will make available copies of the following for six years after a meeting:

- the minutes of the meeting for all meetings of the Harbour Board or its Sub Committees, excluding any part of the Minutes of proceedings when the meeting was not open to the public or which exempt or confidential information was disclosed.

PART 6 - RULES OF PROCEDURE (OTHER)

SECTION 1 – ACCESS TO INFORMATION PROCEDURE RULES

- a summary of any proceedings not open to the public where the Minutes open to inspection would not provide a reasonably fair and coherent record.
- the agenda for the meeting and
- reports on the agenda relating to items when the meeting was open to the public.

8.0 SUMMARY OF PUBLIC'S RIGHTS

These rules constitute a written summary of the public's rights to attend meetings and to inspect documents. The Rules must be kept at and available to the public at the Littlehampton Harbour Board Offices, Littlehampton and the Harbour Board's web site.

9.0 EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

9.1 Confidential Information - Requirement to Exclude Public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

9.2 Exempt Information - Discretion to Exclude Public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

9.3 Meaning of Confidential Information

Confidential information means information given to the Harbour Board by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

PART 6 - RULES OF PROCEDURE (OTHER)

SECTION 1 – ACCESS TO INFORMATION PROCEDURE RULES

9.4 Meaning of Exempt Information

9.4.1 Exempt information means information falling within the following categories (subject to any condition):

	Categories
1.	Information relating to any individual.
2.	Information which is likely to reveal the identity of an individual.
3.	Information relating to the financial or business affairs of any particular person (including the Harbour Board)
4.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Harbour Board or a Minister of the Crown and employees of, or office holders under, the Harbour Board.
5.	Information in respect of which a claim legal professional privilege could be maintained in legal proceedings.
6.	Information which reveals that the Harbour Board proposes: a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or b) to make an order or direction under any enactment.
7.	Information relating to any action taken or to be taken in connection with the prevention or investigation or prosecution of crime.

9.4.2 Information which:

- falls within any of paragraphs 1-7 above; and
- is not prevented from being exempt by virtue of paragraphs 9.4.3 and below,

is exempt information if and so long, as in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

9.4.3 Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under:

- the Companies Act 2006;
- the Friendly Societies Act 1974;

PART 6 - RULES OF PROCEDURE (OTHER)

SECTION 1 – ACCESS TO INFORMATION PROCEDURE RULES

- the Friendly Societies Act 1992;
- the Industrial and Provident Societies Acts 1965 to 1978;
- the Building Societies Act 1986; or
- the Charities Act 2011.

10.0 EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Clerk to the Board thinks fit, the Harbour Board may exclude access by the public to reports which, in his opinion, relate to items during which, in accordance with Rule 9, the meeting is likely not to be open to the public.

PART 6 - RULES OF PROCEDURE (OTHER)

SECTION 2 – FINANCIAL PROCEDURE

INTRODUCTION

The Harbour Board has a statutory responsibility to make arrangements for the proper administration of its financial affairs, and for securing that an officer has responsibility for those affairs, referred to as the Chief Financial Officer. The Treasurer shall be designated as Chief Financial Officer insofar as these rules apply.

The Harbour Board may make such Financial Regulations as the Treasurer may from time to time recommend controlling the financial affairs of the Board.

Financial regulations provide the framework for managing the Board's affairs. They apply to every Member and officer of the Board and anyone acting on its behalf.

The main objectives to be achieved within the financial structuring of the Harbour Board's organisation are to ensure a proper stewardship and to attain the utmost efficiency in the collection, application and spending of public monies.

Overall responsibility for the efficient management and execution of the Harbour Board's functions is vested in the Harbour Master/Manager. These regulations do not derogate from the responsibilities and duties of officers as determined by the Harbour Board and it is emphasised that they are designed to aid efficient operations without hindrance and at the same time fulfil the statutory obligations.

All members and staff have a general responsibility for taking reasonable action to provide for the security of the Board's assets under their control and for ensuring the use of resources is legal, properly authorised, provides value for money and achieves best value.

PART 6 - RULES OF PROCEDURE (OTHER)

SECTION 2 – FINANCIAL PROCEDURE

1.0 REGULATION 1 – GENERAL

- 1.1 Financial Regulations are made to secure the proper administration of the financial affairs of the Littlehampton Harbour Board in pursuance of the L HADO Act 1927 and the WSCC Act 1972 (Part II) and as provided for in Board's Standing Orders.
- 1.2 The Treasurer has statutory duties in relation to the financial administration and stewardship of Littlehampton Harbour Board. This statutory responsibility cannot be overridden. The statutory duties arise from:
- Littlehampton Harbour & Arun Drainage Outfall Act 1927
 - West Sussex County Council Act 1972 Section 151 of the Local Government Act 1972
 - Section 14 of the Audit Commission Act 1998.
 - The Accounts and Audit (England) Regulations 2011 as amended.
- 1.3 The Treasurer is responsible to the Harbour Board for:-
- the proper administration of financial affairs;
 - setting and monitoring compliance with financial management standards;
 - advising on the corporate financial position and on the key financial controls necessary to secure sound financial management;
 - providing financial information;
 - preparing the revenue budget and capital programme;
 - treasury management;
 - issuing advice and guidance to underpin the financial regulations that Board Members, officers and others acting on behalf of the Board are required to follow;
 - selecting accounting policies and ensuring that they are consistently applied;
 - determining the accounting procedures and records for the Board;
 - ensuring that the annual statement of accounts and the annual return are prepared in accordance with the Accounts and Audit Regulations 2003 (as amended) as relating to smaller relevant bodies.
- 1.4 For the purpose of complying with these Regulations the Harbour Master/Manager, or other officer shall:-
- ensure that the Harbour Board is advised of the financial implications of all proposals and that the financial implications have been agreed by the Treasurer.

PART 6 - RULES OF PROCEDURE (OTHER)

SECTION 2 – FINANCIAL PROCEDURE

- consult with the Treasurer and seek approval on any matter liable to affect the Authority's finances materially, before any commitments are incurred or before reporting thereon to the Harbour Board,
 - provide the Treasurer with any financial and related information reasonably requested,
 - allow the Treasurer access to financial records and other relevant documents under his/her control,
 - comply with the Treasurer's recommendations regarding the form and method of keeping any financial records or the operation of any financial procedures.
- 1.5 Details of every document involving any financial claim or charge by or on the Harbour Board shall be submitted to the Treasurer for registration; and, if required, he/she shall be furnished with a copy or abstract of any documents for filing.

2.0 REGULATION 2 - BUDGET

- 2.1 The detailed form of capital and revenue estimates shall be determined by the Treasurer consistent with the general direction of the Harbour Board and after consultation with each Harbour Board Officer concerned.
- 2.2 Estimates of income and expenditure on revenue accounts and receipts and payments on capital account shall be prepared by the Treasurer in consultation with the Harbour Master/Manager and Clerk. The Treasurer will collate estimates considered by any Sub Committees and thereafter will report to the Harbour Board, such report to include financial implications and compliance with the programmes approved by the Harbour Board.
- 2.3 It is the duty of each Harbour Board Officer concerned to control income and expenditure within their area of responsibility and to monitor performance, taking any action necessary to avoid exceeding budget allocation and alerting the Treasurer in a timely manner to any problems anticipated.
- 2.4 The Treasurer shall make available to each Harbour Board Officer periodic statements of income and expenditure or receipts and payments under each relevant head of approved estimate such other relevant information available. No budgetary control reports or budget working papers other than those generated directly from the Financial Management System shall be distributed to Harbour Board Officers unless the specific approval of the Treasurer has been obtained.

PART 6 - RULES OF PROCEDURE (OTHER)

SECTION 2 – FINANCIAL PROCEDURE

3.0 REGULATION 3 – PROPOSALS TO INCUR EXPENDITURE OR REDUCE INCOME

Except where provided for in approved capital & revenue budgets of the Harbour Board:

3.1 No proposal by an officer shall be made to incur any cost, debt or liability or to reduce the amount of any income to the Harbour Board unless adequate notice of the proposal has been given by the appropriate Harbour Board Officer to the Treasurer. The Treasurer shall make appropriate arrangements for submission to the Harbour Board of an estimate of such cost, debt or liability or reduction of income based on information supplied by the Harbour Board Officer concerned.

3.2 Supplementary estimates (both revenue and capital) must be submitted for approval as follows:-

- to the Harbour Board in cases where no specific source of funding has been identified, or where the Treasurer judges the amount to have a material effect on the Harbour Board's overall financial position,
- items of unavoidable expenditure (e.g. items resulting from statutory or legislative changes, etc.) not exceeding £2,000 can be authorised by the Treasurer.

3.3 Virements defined as the transfer of budgetary provision from one head of account (the source vote) to another (the target vote).

3.4 All proposals for virement must be submitted to the Treasurer for approval and/or referral the Chairman or the Harbour Board in accordance with the following guidelines:

Virements within a service or between similar services may be approved by the Treasurer unless in his/her judgment the sum involved is material in relation to the Harbour Board's service policies or budget strategy, in which case he/she will refer the request for the Chairman's approval.

- Virement between dissimilar services are to be referred to the Harbour Board except where the Treasurer judges the amount involved is immaterial.
- Harbour Board Officers must demonstrate that savings on the source vote are feasible. Virements against future anticipated fees and charges or other uncertain sources of income will not be allowed. Savings of a non-recurring nature cannot be used to justify the incurring of expenditure with a continuing commitment into later years.

3.5 In view of the complex VAT rules that apply to public bodies the Treasurer must be consulted at an early stage on any proposals that could possibly affect the Harbour Board's VAT position.

PART 6 - RULES OF PROCEDURE (OTHER)

SECTION 2 – FINANCIAL PROCEDURE

4.0 REGULATION 4 - ACCOUNTING

4.1 All accounting procedures and records of the Harbour Board and its officers shall be determined by the Treasurer. Where such procedures and records are maintained by the Accounting & Administration Officer, or an Officer other than that of the Treasurer, he/she shall, before making any determination, consult the relevant Harbour Board Officer concerned.

4.2 All accounts and accounting records of the Harbour Board shall be compiled by the Treasurer or under his/her direction.

The following principles shall be observed in the allocation of accounting duties:-

the duties of providing information regarding sums due to or from the Harbour Board and of calculating, checking and recording these sums, shall be separated as completely as possible from the duty of collecting or disbursing them. Officers charged with the duty of examining and checking the accounts of cash transactions shall not themselves be engaged in any of these transactions.

5.0 REGULATION 5 – IMPREST ACCOUNTS

5.1 The Treasurer shall provide imprest accounts as he/she considers appropriate for such officers of the Harbour Board as may need them for the purposes of defraying petty cash and other expenses. Such accounts shall be maintained in the manner prescribed by the Treasurer.

5.2 An officer responsible for an imprest account will:

- make adequate arrangements for the safe custody of the account,
- limit payments from the account to minor items of expenditure (i.e. abnormal purchases with a value of less than £50) and to other such items as the Treasurer may approve,
- obtain a receipted voucher in relation to each purchase. Where appropriate (and in the case of all purchases attracting VAT), a proper VAT receipt must be supplied before full reimbursement is provided,
- record transactions promptly,
- reconcile and balance the account at least monthly; reconciliation sheets to be signed and retained by the imprest holder;
- if so requested, give to the Treasurer a certificate as to the state of his/her imprest advance,
- on leaving the Board's employment or otherwise ceasing to be entitled to hold an imprest advance, account to the Treasurer for the amount advanced to him/her.

5.3 No income received on behalf of the Harbour Board may be paid into the imprest account but must be banked or paid to the Harbour Board as provided elsewhere in these Regulations.

PART 6 - RULES OF PROCEDURE (OTHER)

SECTION 2 – FINANCIAL PROCEDURE

6.0 REGULATION 6 – INTERNAL AUDIT

- 6.1 Internal Audit is an independent appraisal function established by Harbour Board for the review of the internal control system.
- 6.2 The appointed Internal Auditor is responsible for the effective review of all aspects of internal control throughout the Board's activities.
- 6.3 Internal Audit supports the Treasurer in the discharge of his statutory responsibilities.
- 6.4 To ensure it is independent the appointed Internal Auditor will operate within a framework that allows unrestricted access to the Harbour Board's Management Team and reporting in his own name.
- 6.5 To ensure the Internal Audit function may be properly fulfilled, the appointed Internal Auditor and his/her authorised representatives shall have:
- the authority to have unrestricted coverage of the Board's activities and unrestricted access to all records, assets, personnel and premises deemed necessary,
 - the authority to have unrestricted access to all Board employees and members and the authority to obtain such information and explanations as considered necessary,
 - direct access to and freedom to the Harbour Board's Management Team including Treasurer.
- 6.6 The appointed Internal Auditor is responsible for the determination and development of the internal audit plan in consultation with the Treasurer.
- 6.7 The appointed Internal Auditor will attend meetings of the Harbour Board or appropriate Sub Committees, as necessary.
- 6.8 All Officers are responsible for considering and promptly responding to recommendations in audit reports. They will ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.
- 6.9 All Harbour Board officers will notify the appointed Internal Auditor immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the Authority's property or resources. Following the reporting of such matters, the appointed Internal Auditor will take steps as he/she considers necessary by way of investigation and report.
- 6.10 The Accounting & Administration Officer will ensure that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with and agreed by the Treasurer who will advise the appointed Internal Auditor prior to implementation.

PART 6 - RULES OF PROCEDURE (OTHER)

SECTION 2 – FINANCIAL PROCEDURE

7.0 REGULATION 7 – BANKING ARRANGEMENTS AND CHEQUES

- 7.1 All arrangements with the Harbour Board's bankers shall be made by the Treasurer who shall be authorised to operate such banking accounts, including interest bearing accounts, as he/she may consider necessary.
- 7.2 All cheques shall be ordered by the Treasurer who shall make proper arrangements for their safe custody.
- 7.3 Cheques or electronic payments drawn on the Harbour Board's banking accounts shall be signed (or in the case of electronic payments, authorised) by at least two Harbour Board officers or where appropriate member of the Board as authorised to do so.

8.0 REGULATION 8 - INCOME

- 8.1 The collection of all monies due to the Harbour Board shall be under the supervision of the Treasurer.
- 8.2 Each relevant Board Officer shall furnish the Treasurer with such particulars in connection with work done, goods supplied or services rendered and of all other amounts due as may be required by him/her to record correctly all sums due to the Harbour Board and to ensure the prompt rendering of accounts for the recovery of income due.
- 8.3 The Treasurer shall be notified promptly of all money due to the Harbour Board and of contracts, leases and other agreements and arrangements entered into which involved the receipt of monies by the Harbour Board and he/she may inspect any documents or other evidence in this connection as necessary.
- 8.4 The Treasurer may prescribe the use of such forms of receipt books, tickets, etc. as may be desirable. All receipt forms, books, tickets and other such items shall be ordered and supplied to relevant Harbour Board officers by the Treasurer or in accordance with arrangements agreed with him/her and he/she shall satisfy himself as to the arrangements for their control.
- 8.5 All monies received by an officer on behalf of the Harbour Board shall be paid without delay to the Harbour Board's banking account. No deduction may be made from such money save to the extent that the Treasurer may specifically authorise. Each officer who so banks monies shall do so in accordance with any directions issued by the Treasurer. Any discrepancy between income due and monies banked shall be declared regardless of the amounts involved.
- 8.6 Personal cheques shall not be cashed and loans or advances shall not be made out of the monies held on behalf of the Harbour Board.
- 8.7 Every transfer of official monies from one member of staff to another will be evidenced in a recognised official form.
- 8.8 Once raised, no bona fide debt may be cancelled except by full payment or its formal writing off in accordance with the laid down scheme of delegation. A credit note to replace a debt can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt.

PART 6 - RULES OF PROCEDURE (OTHER)

SECTION 2 – FINANCIAL PROCEDURE

9.0 REGULATION 9 – RISK MANAGEMENT AND INSURANCE

- 9.1 The Treasurer, in consultation with the Harbour Master and Manager, shall arrange all insurance cover and negotiate all claims in consultation with other officers, where necessary.
- 9.2 Harbour Board officers shall notify the Treasurer immediately of any loss, liability or damage that may lead to a claim against the Authority and inform the Police where appropriate.
- 9.3 All appropriate employees of the Harbour Board shall be included in a suitable fidelity guarantee insurance.
- 9.4 Harbour Board Officers shall notify the Treasurer promptly of all new risks, properties, vessels or vehicles that require insurance and of any alterations affecting existing insurance.
- 9.5 Harbour Board Officers shall consult the Treasurer in respect of any terms of any indemnity that the Authority is requested to give.
- 9.6 Harbour Board Officers shall ensure that the insurance implications are taken into account in all arrangements made with other parties (including voluntary arrangements such as the free hire of equipment) and that the insurance responsibilities of both parties are stated in writing in advance.

10.0 REGULATION 10 – INTERNAL CONTROLS

- 10.1 The Treasurer and appointed Internal Auditor will assist the Harbour Board to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with law and regulations.
- 10.2 Harbour Board Officers shall manage processes to check that established controls are being adhered to and will evaluate their effectiveness, in order to be confident in the proper use of resources, achievements of objectives and management of risks
- 10.3 Harbour Board Officers will promptly notify the Treasurer/appointed Internal Auditor of any areas where they believe internal controls to be deficient.
- 10.4 Harbour Board Officers will ensure staff under their control have a clear understanding of the purposes of the controls in operation and the consequence of lack of control.

11.0 REGULATION 11 - ASSETS

- 11.1 The Treasurer will in accordance with good practice maintain an asset register, providing the Harbour Board with information about fixed assets so that they are:
- safeguarded,
 - used efficiently and effectively,
 - adequately maintained.

PART 6 - RULES OF PROCEDURE (OTHER)

SECTION 2 – FINANCIAL PROCEDURE

- 11.2 Harbour Board Officers will ensure that inventories are maintained by all departments to record prescribed properties, furniture, fittings, equipment, plant and machinery and moveable assets. The form is to be agreed between the relevant Harbour Board Officer and the Treasurer. Inventory records shall be promptly updated on acquisition or disposal of assets.
- 11.3 The Treasurer shall authorise any fixed asset where the purchasing cost is greater than £1,500 for the purposes of maintaining the Asset Register and Insurance schedules.
- 11.4 Any surplus or obsolete assets, equipment, plant and machinery will be disposed of by competitive tenders or public auction unless the appropriate Harbour Board Officer in consultation with the Treasurer/appointed Internal Auditor decides otherwise:
- where both the replacement cost and/or current value of the item(s) exceed £1,500 prior approval of the Chairman of the Board is also required;
 - where, in the opinion of the Treasurer or appointed Internal Auditor, the replacement cost and/of current value of the item(s) is material, prior Harbour Board approval must be obtained.
- 11.5 Harbour Board officers will ensure the proper security and safe custody of all buildings and other assets under their control.
- 11.6 The Harbour Board's property shall not be removed otherwise than in accordance with the ordinary course of the Harbour Board's business or used otherwise than for the Harbour Board's purposes except in accordance with specific directions issued by the Harbour Master/Manager, in which case the use shall be supported by documentation identifying terms, responsibilities and duration of use.
- 11.7 Harbour Board Officers shall not utilise the Harbour Board's property or assets in any way under which they may be perceived as receiving personal gain.

12.0 REGULATION 12 – ORDERS FOR WORK, GOODS AND SERVICES

- 12.1 Official orders shall be in a form approved by the Treasurer and authorised by responsible officers in accordance with the Board's expenditure commitment authority levels.
- 12.2 Official orders shall be issued for all work, goods or services to be supplied to the Harbour Board except for supplies of public utility services, for periodical payments such as rent or rates, for petty cash purchases or such other exceptions as the Treasurer may approve.
- 12.3 Orders shall not be systematically reprinted, reproduced or photocopied. Under exceptional circumstances, where it has been necessary to reprint, reproduce or photocopy an order, it must be clearly marked as being a copy.
- 12.4 Once authorised, the details contained on an order must not be changed in any way.

PART 6 - RULES OF PROCEDURE (OTHER)

SECTION 2 – FINANCIAL PROCEDURE

13.0 REGULATION 13 – PAYMENT OF ACCOUNTS

- 13.1 Apart from petty cash the normal method of payment of money due from the Harbour Board shall be by BACS, cheque or other instrument drawn on the Harbour Board's banking account or account.
- 13.2 The Harbour Board Officer issuing an order is responsible for examining, verifying and certifying the related invoice(s) and similarly for any other payment vouchers or accounts arising from sources in his/her area of responsibility. The names of officers authorised to sign such records shall be held by the Treasurer together with specimen signatures and shall be amended on the occasion of any change therein.
- 13.3 Before certifying an account, the certifying officer shall, save to the extent that the Treasurer may otherwise agree, have satisfied himself or herself that:-
- the work, goods or services to which the account relates have been received, carried out, examined and approved,
 - the prices, extensions, calculations, trade discounts, other allowances, credits and tax are correct,
 - the expenditure has been properly incurred and is within the relevant original or revised estimate provision,
 - appropriate entries have been made in inventories, stores records or stock books as required,
 - the account has not been previously passed for payment and is a proper liability of the Harbour Board.
- 13.4 Duly certified accounts shall be passed without delay to the Treasurer who shall examine them to the extent that he/she considers necessary, for which purpose he/she shall be entitled to make such enquiries and to receive such information and explanations as he/she may require. Where the amount of the invoice is in excess of £500, the certifying officer should not be the same person as, nor a subordinate of the officer placing the original order and checking the invoice details.
- 13.5 Invoices submitted for payment should not be amended by any Harbour Board officer but should be returned to the supplier for replacement.
- 13.6 The Treasurer shall pay all amounts to which the Harbour Board is legally committed after certification by the Harbour Board Officer concerned, or on their behalf. All certificates, invoices or accounts shall be endorsed with proper allocations to the respective items in the approved estimates to which they are chargeable.

PART 6 - RULES OF PROCEDURE (OTHER)

SECTION 2 – FINANCIAL PROCEDURE

- 13.7 The Treasurer shall make arrangements for accounts to be paid promptly and cash discounts received where applicable. Schedules shall be prepared of all payments made, referenced by number to the relevant invoices and to the number of the cheque issued in respect of each payment. A copy of each schedule shall be filed as an independent record. The schedules, together with supporting vouchers, shall be made available for examination by any Member of the Board by appointment with the Treasurer.
- 13.8 Each Harbour Board Officer shall , immediately after 31st March in each year, notify the Treasurer of all outstanding expenditure not covered by order commitments relating to the previous financial year.
- 13.9 Harbour Board Officers should not authorise any orders or payments for which they may be perceived as receiving personal gain.
- 13.10 Invoices shall not be systematically copied. Where it is unavoidable that a copy of an invoice must be made, it shall be clearly marked as a copy. Any payment to be made on a copy invoice should be forwarded to the Treasurer for prior approval.
- 13.11 All cheques issued shall be sent directly to the payee and only under the express approval of the Treasurer shall any cheques be returned to the originating Harbour Officer.

14.0 REGULATION 14 – SALARIES AND WAGES

- 14.1 The payment of all salaries, wages and other emoluments to employees or former employees of the Harbour Board shall be made under the direction of the Treasurer.
- 14.2 The Harbour Board Officers shall notify the Treasurer as soon as possible and in a form agreed with him/her, of all matters affecting the payment of such emoluments, and in particular:
- appointments, resignations, dismissals, suspensions, secondments and transfers,
 - absences from duty for sickness or other reason, apart from approved leave,
 - changes in remuneration, other than normal increments, pay awards and agreements of general application,
 - information necessary to maintain records of service for superannuation, income tax, national insurance and the like.
- 14.3 Appointments of all employees shall be made in accordance with the Regulations of the Harbour Board and the approved establishments, grades and rates of pay.
- 14.4 All time records or other pay documents shall be in a form approved by the Board's Approved HR Advisor and Treasurer and shall be certified by, or on behalf of, the Harbour Master/Manager, Clerk or Treasurer. The names of officers authorised to sign such records shall be sent to the Treasurer by the Harbour Master/Manager, together with specimen signatures. Copies of the authority (signed by the delegating officer) should be held by the delegating officer, and the Board's Treasurer. Amendments should be advised as necessary.

PART 6 - RULES OF PROCEDURE (OTHER)

SECTION 2 – FINANCIAL PROCEDURE

15.0 REGULATION 15 - SECURITY

- 15.1 Each Harbour Board Officer is responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash, records, documents, data, etc. under his/her control. He/she shall consult the Treasurer in any case where security is thought to be defective or where it is considered that special security arrangements may be needed. Any incident arising that involves (or potentially involves) security of cash, computers, information or any of the Harbour Board's assets shall be reported to the Treasurer or appointed Internal Auditor immediately.
- 15.2 Maximum limits for cash holdings shall be agreed with the Treasurer and shall not be exceeded without his/her express permission.
- 15.3 Keys to safes and similar receptacles are to be carried on the person of those responsible at all times; the loss of any such keys must be reported to the Harbour Master/Manager, and/or Treasurer and immediately.
- 15.4 Keyholders to Harbour Board premises are responsible for the security of those keys at all times, unless they are either locked in a key safe at an alternative alarmed site, or a specific arrangement has been agreed with the Harbour Board's insurers. Under no circumstances should keys be left unattended in a vehicle. The loss of any keys must be reported to the Harbour Master/Manager, and/or Treasurer immediately.
- 15.5 The holders of passwords or pass numbers(either door entry or computer related) are responsible for maintaining the security of those passwords at all times. No one shall divulge a computer password to another person and no one should knowingly use the password and user identification of another person. A copy of each password shall be kept in a sealed envelope in the office safe and shall only be opened in exceptional circumstances in the presence of at least two officers.
- 15.6 Each Harbour Board Officer shall be responsible for the control and recording of all issues and returns of the Authority's equipment, property, identity cards and keys made to officers within their service. All issues shall be signed for on receipt by the officer.
- 15.7 The Harbour Master/Manager shall ensure that safe combinations are changed at frequent intervals and whenever there are changes in personnel with knowledge of the combinations.

16.0 REGULATION 16 – STOCKS

- 16.1 Each Harbour Board Officer shall be responsible for the care and custody of the stocks and stores in his/her area of responsibility in consultation with the Treasurer who will make such checks as he/she considers necessary.
- 16.2 A maximum acceptable stock level (in volume and financial terms) shall be agreed with the Treasurer and shall not be exceeded except in approved circumstances.
- 16.3 Harbour Master/Manager shall arrange for periodical test examinations of stocks by persons other than those responsible and shall ensure that all stocks are checked at least once in every year. All discrepancies should be investigated and pursued to a satisfactory conclusion.

PART 6 - RULES OF PROCEDURE (OTHER)

SECTION 2 – FINANCIAL PROCEDURE

16.4 Any surplus or obsolete stocks or stores will be disposed of by competitive tenders or public auction unless the Harbour Master/Manager in consultation with the Treasurer decides otherwise.

- Where the value of the stocks and stores to be disposed of exceeds £1,000 or 5% of the total store value (whichever is the lower), prior approval of the Chairman is also required.
- Where, in the opinion of the Treasurer, the value of the stocks and stores to be disposed of is material, prior Harbour Board approval must be obtained.
- The value of such items for this purpose shall be determined by the current replacement cost where the item is to be replaced or substituted or the open market disposable value where no substitute of replacement is to be made.

17.0 REGULATION 17 – TRAVELLING AND SUBSISTENCE ALLOWANCE

17.1 All claims for payment of car allowances, subsistence allowances, travelling and incidental expenses shall be submitted, duly certified in a form approved by the Treasurer, made up to the last day of each month, within five days thereof. The names of officers authorised to sign such records shall be held by the Treasurer together with specimen signatures, and shall be amended on the occasion of any change.

17.2 The certification by, or on behalf of, Harbour Board Officers shall be taken to mean that the certifying officer is satisfied that the journeys are authorised, the expense properly and necessarily incurred and that the allowances are properly payable by the Harbour Board.

18.0 REGULATION 18 – HOSPITALITY AND GIFTS

18.1 All officers are required to abide by the guidelines on hospitality and gifts laid down in the Code of Conduct for Employees. No member of the Board or officer shall accept any gift, favour or hospitality that is made to the individual member or officer personally.

18.2 The Harbour Master/Manager shall maintain a "hospitality and gifts register" to record all hospitality and gifts given and received by Harbour Board staff.

PART 6 - RULES OF PROCEDURE (OTHER)

SECTION 3 – STANDING ORDERS RELATING TO PURCHASING, PROCUREMENT, CONTRACTS AND DISPOSALS

1.0 ORDERS FOR WORK, GOODS AND SERVICES

- 1.1 With the exception of the supply of gas, electricity, water, sewage, waste collection and telephone services an official order must be issued for **all** work, goods and services unless a formal contract is to be prepared (See section 2.0 below), or an official order would be inappropriate (e.g. petty cash purchases). A copy of the order must be retained and matched against the supplier's invoice(s) when received and attached to the invoice before payment is made.
- 1.2 All Orders shall carry a unique reference which should be quoted on all correspondence and a request made to the Supplier to notate the order number on his invoice. Order books are controlled stationery.
- 1.3 All the Board's officers are responsible for obtaining value for money at all times. An officer issuing an official order is to ensure before placing the order, that as far as reasonable and practicable, the best available terms have been obtained in respect of each transaction.
- 1.4 Prior to the raising of an order the officer shall ensure that the item is within budget and that there is Board or delegated approval in place to cover the commitment. If not it should be referred to the Treasurer to the Board in order to ascertain whether a virement between budgeted expense heads might be possible.
- 1.5 All Capital purchases with a value exceeding £5,000 **whether budgeted or not** require a report to be submitted to the Board before any commitment is made. Where a capital purchase is not budgeted the Treasurer to the Board needs to be informed prior to the submission of the Board report.
- 1.6 Purchase Orders with a value;
- (i) Of more than £10,000, the Harbour Master/Manager will always seek a minimum of three competitive quotations or tenders. Where possible such firms invited to quote should be taken from the approved supplier list or a public notice placed seeking expressions of interest from suitable experienced/qualified organisations. Orders over £10,000 require the signature of the Chairman of the Board, or in the absence of the Chairman, the Vice Chairman.
 - (ii) For orders with a value between £2,501 and £10,000 the Harbour Master/Manager will obtain a minimum of two competitive quotations.
 - (iii) For Orders for £2,500 or less in value the Harbour Master/Manager or his duly authorised deputy shall have executive power but must be able to demonstrate, if competitive quotations have not been sought and obtained, that the Board has achieved value for money.

PART 6 - RULES OF PROCEDURE (OTHER)

SECTION 3 – STANDING ORDERS RELATING TO PURCHASING, PROCUREMENT, CONTRACTS AND DISPOSALS

2.0 CONTRACTS

2.1 All contracts should be in writing.

2.2 Procedures for letting contracts are laid down in the Board's Standing Orders as follows:

- a) Every contract made by the Board shall comply with these Standing Orders and no exception from any of the following provisions of these Standing Orders shall be made otherwise than by direction of the Board. These Standing Orders can only be waived by completing the "*Authorisation to waive standing orders relating to contracts or other purchases*" form (Appendix 1), and obtaining the authorisation of the Treasurer to the Board. However ***in the case of emergency*** the Chairman, or Vice Chairman in the absence of the Chairman, may approve a waiver of standing orders but only after consulting with the Harbour Master/Manager and Treasurer. The Harbour Master/Manager should ensure that such consultation is confirmed in writing e.g. E Mail. In such circumstances the actions taken shall be reported to the next available meeting of the Harbour Board. These Standing Orders shall not apply to contracts which relate to items (i) to (iii) below unless the value(s) are likely to breach the EU procurement directives;
 - (i) the supply of gas, electricity, water, sewage, waste collection and telephone services;
 - (ii) for work to be executed or goods or materials to be supplied which constitute an extension to an existing contract by the Board;
 - (iii) for goods or materials proposed to be purchased which are proprietary articles and/or which are sold only at a fixed price
- b) Where it is intended to enter into a contract;
 - (i) exceeding £10,000 in value for the supply of goods or materials or for the execution of works or specialist services, (other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a)), the Harbour Master/Manager will prepare a detailed specification of the Board's requirements and seek a minimum of three competitive quotations. Where possible such firms invited to quote should be taken from an appropriate approved list. Contractual commitments above £10,000 require the approval of the Chairman of the Board.
 - (ii) For contracts with a value between £2,501 and £10,000 the Harbour Master/Manager will endeavour to obtain a minimum of two competitive quotations.
 - (iii) For Contracts for £2,500 or less in value the Harbour Master/Manager or his duly authorised deputy shall be permitted to take relevant action as long as the costs are contained within the relevant approved Harbour Board budget and the contract is properly documented and recorded and the authorising officer is fully satisfied that the contract provides value for money.
 - (iv) Prior to entering into any contract regardless of value, the responsible officer shall ensure that Board or delegated approval is in place.

PART 6 - RULES OF PROCEDURE (OTHER)

SECTION 3 – STANDING ORDERS RELATING TO PURCHASING, PROCUREMENT, CONTRACTS AND DISPOSALS

- (v) Where a contract for leasing is involved the formal advice of both the Clerk and the Treasurer to the Board must be sought in order to ascertain the legal and financial implications.
 - (vi) Contracts that establish a commitment to the Board in excess of one year or exceed £25,000 shall require the approval of both the Treasurer and the Clerk.
- c) All contracts entered into must be under seal where;
- The Board wishes to enforce the contract for more than 6 years after its completion, or
 - The price paid or received under a contract is a nominal price and does not reflect the value of the goods or services, or where there is doubt about the authority of the person signing for the other contracting party,
 - Where the total value is expected to exceed £10,000. (See Section 6.5 Contract Formalities)

The Clerk holds the Harbour Board Seal. The Clerk shall only seal documents that are supported by the relevant formal written approvals i.e. Board minutes/signed waiving of standing order forms etc.

- d) When applications are made to waive Standing Orders relating to contracts to enable a tender to be sought without competition, the reason shall be embodied in a report to the Board.
- e) An invitation to tender shall state the general nature, scope, required terms and conditions of the Board for the intended contract and the Harbour Master/Manager shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation to tender shall in addition state that tenders must be returned addressed to the Harbour Master/Manager and the last date and time by which such tenders should reach the Harbour Master/Manager.
- f) All tenders shall be opened at the same time after the prescribed date and time by the Harbour Master/Manager in the presence of another senior Board Officer and if appropriate the Chairman of the Board or the Vice Chairman in his absence. A record of all the tenderers received and opened shall be made and kept. The record shall include the details of the tenderer and the amount of their tender. The record shall be signed and dated by both Officers and if appropriate the Chairman.
- g) If less than three tenders are received for contracts valued above £10,000 or if the tenders are identical this will be reported to the next available meeting of the Harbour Board. The Harbour Board may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- h) The Board shall not be obliged to accept the lowest or any tender. The award criteria must be agreed prior to seeking tenders and then documented and retained as part of the records of the transaction.

PART 6 - RULES OF PROCEDURE (OTHER)

SECTION 3 – STANDING ORDERS RELATING TO PURCHASING, PROCUREMENT, CONTRACTS AND DISPOSALS

- i) Strictly speaking the Harbour Board are not subject to the Public Procurement Directive. However it does appear that Harbours are treated as “Utilities” under the EU Directive and therefore the Harbour may be subject to the EU Thresholds. When entering into any contract where the total value excluding VAT, breaches the current EU thresholds, advice should be sought from ADC procurement. These thresholds change periodically, from 1st January 2012 they were; Services ££173,934 and Works £4,348,350

3.0 PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS

- 3.1 Payments on account of the contract sum shall be made within the time specified in the contract and where appropriate upon authorised certificates of the architect or other consultants engaged to supervise the contract.
 - a. Where contracts provide for payment by instalments the Treasurer shall maintain a record of all such payments. In any case when it is estimated that the total cost of the work carried out under a contract, excluding fluctuation clauses, will exceed the contract sum by 5% or more, a report shall be submitted to the Board.
 - b. Any variation to, addition to, or omission from, a contract must be approved by the Harbour Master/Manager in writing, the Board being informed where the final cost is likely to exceed the financial provision.

4.0 DISPOSAL OF ASSETS

- 4.1 All disposals with a **net book value** in excess of £5,000 must have the approval of the Board before any disposal takes place.
- 4.2 Any disposal by means of sale must be publicly advertised and bidders shall be allowed a minimum of one month to submit sealed bids. The closing date and time for the receipt of bids must be clearly indicated in the public notice/advert, any bids received after the stated time and date are to be ignored and not opened. After the closing time and date the correctly submitted bids should be opened and reviewed by the Harbour Master/Manager in the presence of another senior Board Officer, and if appropriate the Chairman of the Board and a written record of all bids received shall be kept.
- 4.3 For items with a net book value up to £5,000 the Harbour Master/Manager and his Deputy will be responsible for jointly reviewing the bids at the end of the advertising period. The highest bid must be accepted. If for any reason the Harbour Master/Manager does not wish to accept the highest bid he must obtain the approval of the Chairman or in the Chairman’s absence the Vice Chairman.
- 4.4 A copy of the public advert and the original submitted bids must be retained as part of the asset management records.
- 4.5 All disposals under £5000 shall be recorded on a disposal form prepared by the Treasurer and shall be signed by at least two officers of the Board neither of whom shall be connected with any future use of the item (Appendix 2).

PART 6 - RULES OF PROCEDURE (OTHER)

SECTION 3 – STANDING ORDERS RELATING TO PURCHASING, PROCUREMENT, CONTRACTS AND DISPOSALS

5.0 RECORD RETENTION

5.1 All records relating to orders, contracts, and disposals shall be kept for a minimum of 6 years except where made under seal in which case they must be retained for 12 years. **All** correspondence including invitation to tender, quotations, waivers and any written communication with successful or other suppliers must be retained.

6.0 CONTRACT DOCUMENTS

6.1 All Relevant Contracts (being contracts for work or for the supply of goods, materials or services, but excluding contracts of employment, engagement of Counsel, or the acquisition, disposal or transfer of land) which exceed £10,000 in Total Value shall be in writing and signed by the Clerk to the Harbour Board.

6.2 All Relevant Contracts, irrespective of value, shall clearly specify:

- the works, materials, services, matters or things to be furnished, had or done (description and quality)
- the price to be paid, with a statement of any discounts or other deductions (amount and timing), and
- the time, or times, within which the contract is to be performed.
- The Harbour Board's official order form and standard terms and conditions or those issued by a relevant professional body must be used.

6.3 In addition, every Relevant Contract or purchase over £10,000 must also as a minimum state clearly:

- that the contractor may not assign or sub-contract without prior written consent
- any insurance requirements
- health and safety requirements
- data protection (if relevant) and Freedom of Information requirements
- that charter standards are to be met if relevant
- (where consultants are used to let contracts) that consultants must comply with the Harbour Board's standing orders relating to contracts
- a right of access to relevant documentation and records of the contractor for monitoring and audit purposes if relevant.
- the Harbour Boards right to require removal of a contractors employee
- prevention of corruption – see 7.0
- compliance with legislation regarding equalities, diversity and discrimination.

PART 6 - RULES OF PROCEDURE (OTHER)

SECTION 3 – STANDING ORDERS RELATING TO PURCHASING, PROCUREMENT, CONTRACTS AND DISPOSALS

6.4 The formal advice of the Clerk to the Harbour Board must be sought for the following circumstances:

- where leasing arrangements are involved (the views of Treasurer should also be sought)
- where it is proposed to use a supplier's own terms
- where a third party or sub contractor is involved in the fulfilment of the contract
- and those which are complex in any other way.

6.5 Contract formalities

6.5.1 Agreements shall be completed as follows (subject to delegated financial limits):

6.5.2 **Signature**

The Officer responsible for securing signature of the contract must ensure that the person signing for the other contracting party has authority to bind it.

6.5.3 **Sealing**

Where contracts are completed by each side adding their formal seal, such contracts shall be signed, and the fixing of the Harbour Board's seal witnessed, by the Clerk to the Harbour Board or other authorised officer by him/her.

Every Harbour Board sealing will be consecutively numbered, recorded and signed by the Clerk to the Harbour Board witnessing the seal. The seal must not be affixed by the Clerk without the authority of the Harbour Board.

Total Value	Form of Contract	
Up to £2,500	Signature	Purchase order
£2,500 to £10,000	Signature	Purchase order/Contract
Above £10,000	Sealing	Purchase order and written contract

6.6 All purchase orders and/or contracts documents must be concluded before the supply, service or construction work begins, except in exceptional circumstances, and then only with the written consent of the appropriate Harbour Board Senior Officer. An award letter is insufficient in the case of formal contracts over £10,000.

PART 6 - RULES OF PROCEDURE (OTHER)

SECTION 3 - Standing Orders - Purchasing, Procurement, Contracts & Disposals

7.0 PREVENTION OF CORRUPTION

7.1 The Responsible Officer must comply with the Code of Conduct of the Harbour Board and must not invite or accept any gift or reward in respect of the award or performance of any contract.

It will be for the Officer to prove that anything received was not received corruptly.

Where an officer is offered gifts or hospitality this must be declared on the Harbour Boards Gifts and Hospitality register which is maintained by the Harbour Master/Manager but should still comply with the clear guidance to officers on accepting Gifts or Hospitality.

High standards of conduct are obligatory. Corrupt behaviour will lead to dismissal and is a crime under the statutes referred to in Standing Order 7.2.

7.2 The following clause must be put in every written Harbour Board contract:

"The Harbour Board may terminate this contract and recover all its loss if the Contractor, its employees or anyone acting on the Contractor's behalf do any of the following things;

- offer, give or agree to give to anyone any inducement or reward in respect of this or any other Harbour Board contract (even if the Contractor does not know what has been done); or
- commit an offence under the Prevention of Corruption Acts 1889 to 1916 or Section 117(2) of the Local Government Act 1972; or
- commit any fraud in connection with this or any other Harbour Board contract whether alone or in conjunction with Harbour Board members, contractors or employees.

Any clause limiting the Contractor's liability shall not apply to this clause."

Appointment of Consultants

8.0 APPOINTMENT OF CONSULTANTS

8.1 The engagement of consultant architects, engineers and surveyors, or other professional consultants including Counsel shall be subject to completion of a formal letter, contract of appointment or brief.

8.2 Consultants shall be required to provide evidence of and maintain professional indemnity policies to the satisfaction of the relevant Harbour Board Officer for the periods specified in the respective agreement.

8.3 Consultants shall be selected and commissions awarded in accordance with the procedures detailed within these standing orders.

PART 6 - RULES OF PROCEDURE (OTHER)

SECTION 3 – STANDING ORDERS RELATING TO PURCHASING, PROCUREMENT, CONTRACTS AND DISPOSALS

Estimated Total Value	Competition Requirements and Method of Selection and Appointment
Less than £2,500	A minimum of one Quotation
£2,500 to £10,000	A minimum of two written Quotations
£10,001 to EU Threshold	Invitation to Tender by advertisement or approved list to at least three tenderers,
Above EU Threshold	EU Procedure, or where this does not apply, Invitation to Tender by advertisement / approved list to at least four candidates

Written records of consultancy appointments shall be maintained in accordance with Standing Orders.

APPENDIX 1

LITTLEHAMPTON HARBOUR BOARD

AUTHORISATION TO WAIVE STANDING ORDERS RELATING TO CONTRACTS OR OTHER PURCHASES

To be completed in advance for all contracts or other purchases, where standing orders require competitive quotations and/or the sanction of the Board but circumstances either make it impractical or the matter is so urgent that time constraints prevent it.

Goods/services required:	
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Proposed supplier:	
Value of proposal:	
Justification for need to waive Standing Orders Relating to Contracts:	
Justification that a delay until the next meeting of the Board would not be in the interests of the Board:	
Originating Officer	Signed: Date: Print name:
Authorisation of Harbour Manager	Signed: Date:
Treasurer authorisation (where urgent decision is required)	In accordance with the provisions of Standing Order Relating to Contracts, I have been consulted on the proposed action and agree that a delay until the next Board Meeting would not be in the interests of the Board Signed: Date: Decision ref:
Treasurer authorisation to waive standing orders (for a specific contract)	In accordance with the provisions of Standing Order Relating to Contracts, I have been consulted on the proposed action and agree that in this instance it is justified to waive standing orders in the interests of the Board Signed: Date: Decision ref:

APPENDIX 2

LITTLEHAMPTON HARBOUR BOARD

AUTHORISATION TO DISPOSE OF AN ASSET WITH A NET BOOK VALUE OF LESS THAN £5000

To be completed prior to proceeding with disposal of any asset

Description of item :Asset Number	
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Reason for disposal	
Proposed method of disposal:	
Current Net Book £ Value (as per Asset Register):	
Originating Officer	Signed: Date: Print name:
Authorising Officer	Signed: Date: Print name:
Treasurer	Signed: Date:

PART 6 – RULES OF PROCEDURE (OTHER)
SECTION 4 – OFFICER EMPLOYMENT PROCEDURE RULES

1.0 DEFINITIONS

1.1 In these Rules:-

“disciplinary action” has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001

“member of staff” means a person appointed to or holding a paid office or employment under the Harbour Board

“proper officer” means the Harbour Master/Manager or his nominee and

“senior officer” means:-

- the officer designated as the head of the service for the Harbour Board.
- another member of the Harbour Board’s Management Team i.e. the Clerk or Treasurer.

2.0 GENERAL

- 2.1 Subject to Rules 2.2 and 2.3 and 5, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the Harbour Board must be discharged, on behalf of the Harbour Board, by the Harbour Master/Manager or by an officer pursuant to the officer scheme of delegation.
- 2.2 The Full Harbour Board will approve the appointment of the Harbour Master/Manager following the recommendation of such an appointment by the Personnel Sub Committee (as defined in its agreed Terms of Reference) of the Harbour Board. That Sub Committee must include at least three Members of the Harbour Board.
- 2.3 The Full Harbour Board will appoint the Clerk and Treasurer.
- 2.4 The Terms of Reference and number of Members to sit upon the Personnel Sub Committee pursuant to Rules 2.2, 2.3, shall be determined by the Harbour Board and set out in the Personnel Sub Committee’s Terms of Reference.

3.0 HARBOUR BOARD’S ROLE ON DISMISSALS

- 3.1 In this paragraph, “dismissor” means, in relation to the dismissal of an officer of the Harbour Board, the Harbour Board or, where the Personnel Sub-Committee or another senior officer is discharging the function of dismissal on behalf of the Harbour Board, the Personnel Sub-Committee or other officer, as the case may be.
- 3.2 Notice of the dismissal of a senior officer must not be given by the dismissor until:
- 3.2.1 the dismissor has notified the Chairman of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;

PART 6 – RULES OF PROCEDURE (OTHER)

SECTION 4 – OFFICER EMPLOYMENT PROCEDURE RULES

- 3.2.2 the Chairman has notified every Member of the Board of:-
- the name of the person who the dismissor wishes to dismiss,
 - any other particulars relevant to the dismissal which the dismissor has notified to the Chairman and
 - the period within which any objection to the dismissal is to be made by the Chairman on behalf of the Board to the proper officer; and
- 3.2.3 either:-
- the Chairman has, within the period specified in the notice under

paragraph 3.2.2., notified the dismissor that neither he nor any other Member of the Board has any objection to the dismissal,

- the Harbour Master/Manager, has notified the dismissor that no objection was received by him within that period from the Chairman or
- the dismissor is satisfied that any objection received from the Chairman within that period is not material or is not well-founded.

4.0 APPEALS

Nothing in these Rules shall prevent a person from serving as a Member of any Sub Committee or panel established by the Harbour Board to consider an appeal by:

- another person against any decision relating to the appointment of that other person as a member of staff of the Harbour Board or
- a member of staff of the Harbour Board against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

5.0 DISCIPLINARY & GRIEVANCE PROCEDURE

The Board and its staff will meet its responsibilities and obligations insofar as its disciplinary, grievance, behaviour in the workplace, diversity and regulatory policies are concerned as set out “Littlehampton Harbour Board Standing Instructions in the Sections 12 and 13”.

6.0 RECRUITMENT AND APPOINTMENT GENERALLY

6.1 Declarations

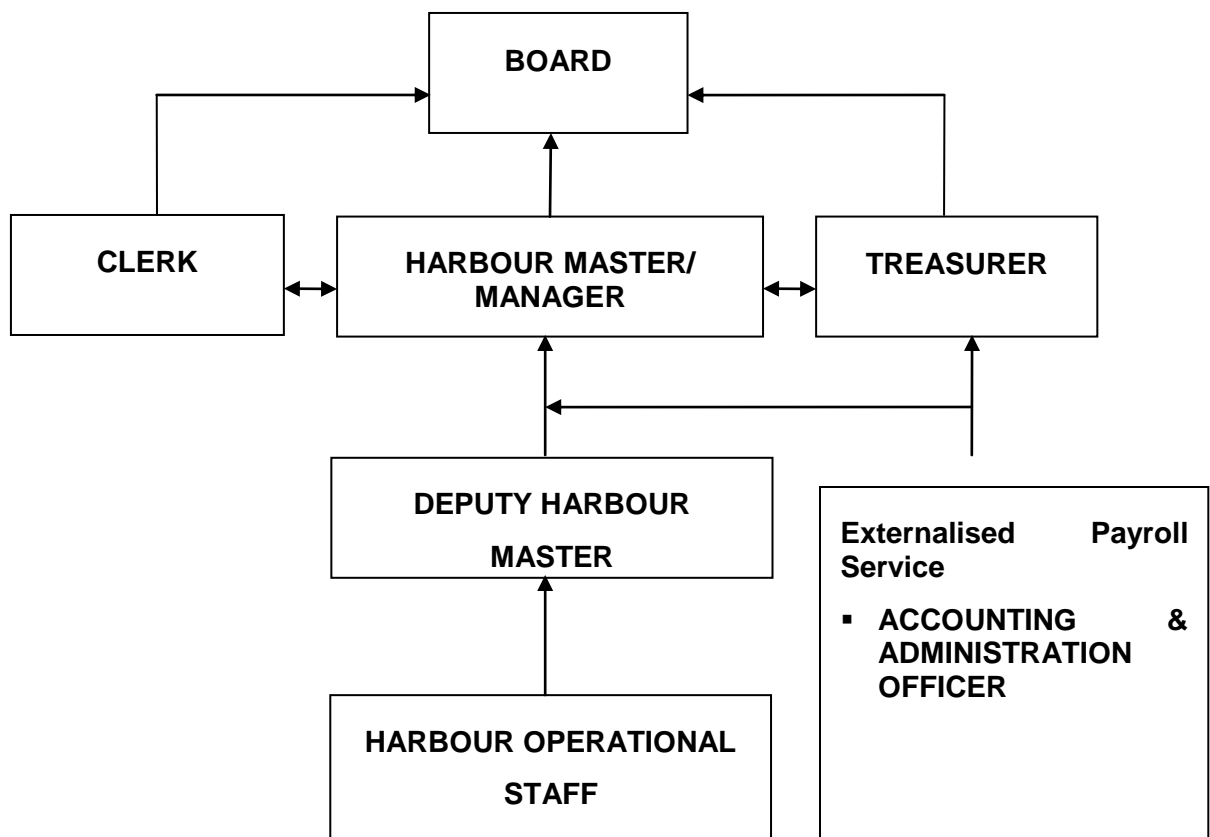
- 6.1.1 The Harbour Board will include in the application for employment forms utilised by it a declaration as to whether any applicant is related to or the partner of any Harbour Board Members or officer of the Harbour Board.
- 6.1.2 No candidate so related to a Harbour Board Members or an officer will be appointed without the authority of the relevant Harbour Board officer or an officer nominated by him/her.

6.2 Seeking Support for Appointment

- 6.2.1 The Harbour Board will disqualify any applicant who directly or indirectly seeks the support of any Harbour Board Members for any appointment with the Harbour Board. The content of this paragraph will be included in any recruitment information.
- 6.2.2 No Harbour Board Members will seek support for any person for any appointment with the Harbour Board.

PART 7 MANAGEMENT STRUCTURE

Harbour Board Management Structure



PART 8 - CODES AND PROTOCOL

SECTION 1 – MEMBER CODE OF CONDUCT

PART 1 - GENERAL PROVISIONS

Scope

1. a] A member must observe the Board's Code of Conduct whenever they:
 - i] conduct the business of the Board;
 - ii] conduct the business of the office to which they have been elected or appointed; or
 - iii] acts as a representative of the Board,and references to a member's official capacity shall be construed accordingly.
- b] The Board's Code of Conduct shall not, apart from paragraphs 4 and 5a below, have effect in relation to the activities of a member undertaken other than in an official capacity.

General Obligations

2. A member must:
 - a] promote equality by not discriminating unlawfully against any person;
 - b] treat others with respect; and
 - c] not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the Board.
3. A member must not:
 - a] disclose information given to them in confidence by anyone, or information acquired which they believe is of a confidential nature, without consent of a person authorised to give it, or unless they are required by law so to do; nor
 - b] prevent another person from gaining access to information to which that person is entitled by law.
4. A member must not in their official capacity, or any other circumstance, conduct themselves in a manner which could reasonably be regarded as bringing their office or the Board into disrepute.

PART 8 - CODES AND PROTOCOLS

GENERAL PROVISIONS

General Obligations

5. A member:
 - a] must not in their official capacity, or any other circumstance, use their position as a member improperly to confer on or secure for themselves or any other person, an advantage or disadvantage; and
 - b] must, when using or authorising the use by others of the resources of the Board:
 - i] act in accordance with the Board's requirements; and
 - ii] ensure that such resources are not used for political purposes.
6. A member must, if they become aware of any conduct by another member which they reasonably believe involves a failure to comply with the Board's Code of Conduct, make a written allegation to that effect to the Chairman as soon as it is practical for him so to do. Such written allegations should be submitted to the Clerk.

PART 2 - INTERESTS

Personal Interests

7. a] A member must regard themselves as having a personal interest in any matter if the matter relates to an interest in respect of which notification must be given under paragraphs 12 and 13 below, or if a decision upon it might reasonably be regarded as affecting to a greater extent than other stakeholders, the well being or financial position of themselves, a relative or a friend or:
 - i] any employment or business carried on by such persons;
 - ii] any person who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - iii] any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £1,000 or 1% of the nominal value of the issued share capital whichever is less.
 - iv] any body listed in sub paragraphs 13.a to 13.e below in which such persons hold a position of general control or management.
- b] In this paragraph:
 - i] "relative" means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece or the spouse or partner of any of the preceding persons; and
 - ii] "partner" in sub-paragraph 7.b.i. above means a member of a couple who live together.

PART 8 – CODES & PROTOCOLS

SECTION 1 – MEMBERS CODE OF CONDUCT

INTERESTS

Disclosure of Personal Interests

8. A member with a personal interest in a matter who attends a meeting of the Board at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

Prejudicial Interests

9. a] Subject to sub-paragraph 9.b. below, a member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest.
- b] A member may regard themselves as not having a prejudicial interest in a matter if that matter relates to:
- i] a relevant authority of which they are a member;
 - ii] a public authority in which they hold a position of general control or management;
 - iii] a body to which they have been appointed or nominated by the Board as its representative.

Participation in Relation to Disclosed Interests

10. A member with a prejudicial interest in any matter must:
- a] withdraw from the room or chamber where the meeting is being held whenever it becomes apparent that the matter is being considered at that meeting; and
 - b] not seek to improperly influence a decision about that matter.
11. For the purpose of this part, "meeting" means any meeting of:
- a] the Board; or
 - b] any of the Boards, committees, sub-committees or panels.

Registration of Financial and Other Interests

12. Within 28 days of the provisions of this Code of Conduct being adopted or within 28 days of their assuming office (if that is later) a member must register their financial interests in the Board's register by providing written notification to the Clerk to the Board of:
- a] any employment or business carried out by themselves;
 - b] the name of the person who employs them, the name of any firm in which they are a partner and the name of any company for which they are a remunerated director;
 - c] the name of any corporate body which has a place of business or land in the environs of the harbour and in which the member has a beneficial interest in a class of securities of that body which exceeds the nominal value of £1,000 or one hundredth of the total issued share capital of that body.

PART 8 – CODES & PROTOCOLS

SECTION 1 – MEMBERS CODE OF CONDUCT

- d] a description of any contract for goods, services or works made between the Board and themselves or a firm in which they are a partner, a company or which they are a remunerated director or a body of the description specified in sub-paragraph 12.c. above;
 - e] the address or other description (sufficient to identify the location) of any land in which they have a beneficial interest and which is within the environs of the harbour;
 - f] the address or other description (sufficient to identify the location) of any land where the landlord is the Board and the tenant is a firm in which they are a partner, a company of which they are a remunerated director or a body of the description specified in sub-paragraph 12.c. above; and
 - g] the address or other description (subject to identify the location) of any land or facility within the environs of the harbour in which they have a license (alone or jointly with others) to occupy for 28 days or longer.
13. Within 28 days of the provisions of this Code of Conduct being adopted or within 28 days of their assuming office (if that is later) a member must register their other interests in the Board's register by providing written notification to the Clerk to the Board of their membership or of position of general control or management in any:
- a] body to which they have been appointed or nominated by the Board as its representative;
 - b] public authority or body exercising functions of a public nature;
 - c] company, industrial and provident society, charity or body directed to charitable purposes;
 - d] body whose principle purposes include the influence of public opinion or policy; and
 - e] trade union or professional association.
14. A member must within 28 days of becoming aware of any change to the interests specified under paragraphs 12 and 13 above provide written notification to the Clerk to the Board of that change.

Registration of Financial and Other Interests

Registration of Gifts and Hospitality

15. A member must within 28 days of receiving any gift or hospitality over the value of £25 provide written notification to the Clerk to the Board of the existence and nature of that gift or hospitality.

SECTION 3
OFFICERS CODE OF CONDUCT

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SECTION 4
PROTOCOL OF MEMBER/OFFICER RELATIONS

1.0 INTRODUCTION

The purpose of this document is to provide a guide to good working relationships between Members and Officers of the Harbour Board. It will clearly define the respective roles of Members and Officers and provide some principles governing conduct.

2.0 THE RESPECTIVE ROLES OF MEMBERS AND OFFICERS

- 2.1 Members are either elected or appointed to represent the stakeholders of the harbour. Under the arrangements for the Harbour Board, Members may perform roles on Sub Committees in addition to sitting as Members of the full Board. Some Members, mainly the Chairman, represent the Board upon outside bodies.
- 2.2 Officers are employed by and serve the Harbour Board. They advise the Harbour Board and any of its approved Sub Committees. They implement decisions of the Harbour Board and make decisions under powers delegated to them.
- 2.3 Officers are responsible to their Line Manager. Some have statutory responsibilities including the Harbour Master/Manager, Clerk and the Treasurer.

3.0 OFFICERS' ADVICE

- 3.1 Officer advice and support will be provided at formal Harbour Board meetings at which business is transacted, including:

- Board meetings;
- Meetings of its Sub Committees;
- Meetings of the Chairmen/Vice-Chairmen of the Board or its Sub Committees;
- Briefings for Chairmen/Vice-Chairmen prior to Board or Sub Committee Meetings.

Officers will also provide advice and assistance to individual Members of the Board in respect of Harbour Board business.

- 3.2 Officer advice and support must relate only to Board business. Officers must not be requested to advise upon matters of a third party's business.
- 3.3 All Officers must treat all individual Members in a fair and even-handed manner and not give advice on issues that are not Harbour Board business. All such advice shall be impartial. Board Members must respect this.

4.0 PERSONAL RELATIONSHIPS

- 4.1 Close personal familiarity between individual Board Members and Officers can damage working relationships and prove embarrassing to other Members and Officers.
- 4.2 It is recognised that there may be occasions where personal familiarity is unavoidable, particularly where family relationships arise.

PART 8 - CODES AND PROTOCOLS

SECTION 4 – Protocol on Member/Officer Relations

4.3 A Board Member must promptly declare to both the Clerk and Chairman any relationship with an Officer which might be seen as influencing his/her work as a Board Member. This includes a family relationship. Similarly, the Officer concerned should notify the Harbour Master/Manager or, in the case of the Harbour Master/Manager, the Clerk and Chairman. The Clerk will arrange for the relationship to be included in the formal Declaration of Interest provided by the Officer and in the Register of Members' Interests.

5.0 APPOINTMENT OF OFFICERS

5.1 Board Members must not take any part in the appointment of anyone to whom they are:

- married,
- a partner,
- otherwise related,
- a friend.

5.2 Board Members must ensure that Officers are appointed only on merit, with a view to their best serving the whole Harbour Board.

6.0 UNDUE PRESSURE

6.1 A Board Member should not apply undue pressure on an Officer either to do anything which he is not empowered to do or to undertake work outside normal duties or normal hours. Particular care needs to be taken in connection with the use of Harbour Board property and services.

6.2 Similarly, an Officer must not seek to influence an individual Member to make a decision in his/her favour nor raise personal matters to do with his/her job nor make claims or allegations about other employees. The Harbour Board has formal procedures for consultation, grievance and discipline dealing with these matters.

7.0 OFFICERS' REPORTS AND ADVICE

7.1 The named author of a report to the Harbour Board or any part of its formal structure will always be fully responsible for the contents of it. The Chairman of the Board or relevant Sub Committee will be consulted as part of the process of drawing up the agenda for a forthcoming meeting and may comment upon a proposed report. The Officer concerned will give due consideration to such comments, consulting other appropriate officers as necessary. A report will only be amended where the amendment reflects the professional judgment of the author of the report.

7.2 Occasionally, Officers will need to express a professional view on a matter which may not support the view of the Harbour Board and/or relevant Senior Officers of the Harbour Board.

7.3 Members should not elicit any criticism from an Officer in respect of his/her Line Manager or other officers of the Harbour Board.

8.0 OFFICER DECISIONS MADE UNDER DELEGATED POWERS

Officers may make decisions under powers delegated to them in accordance with the Scheme of Delegation or by specific formal Board or Sub-Committee decisions. It must be recognised that it is the Officer, and not any Board Member, who takes the action and it is the Officer who is accountable for it.

PART 8 - CODES AND PROTOCOLS

SECTION 4 – Protocol on Member/Officer Relations

9.0 OFFICER RELATIONSHIP WITH THE CHAIRMAN OF THE BOARD OR COMMITTEES

The working relationship between senior Officers and the Chairman of the Board, Committees or Sub Committees will be particularly close. Officers may provide briefing notes, advice and information to the relevant Chairman in respect of reports or questions at formal Committee or Sub Committee and Harbour Board meetings and other external meetings, e.g. meetings with Ministers/MPs, other Local Authorities and outside bodies. This relationship, however, must not:

- compromise Officers' duties to all Members of the Harbour Board;
- be so close as to give the appearance of partiality on the part of the Officer;
- undermine the confidentiality of any discussions within the Harbour Board or between Senior Officers and other Board Members;
- compromise Officers' professional responsibility to advise Members that a particular course of action should not be pursued; and
- abrogate Officer responsibility for action taken under Delegated Powers.

10.0 THE PROCEDURE FOR CRITICISM/COMPLAINTS

- 10.1 It is important that there should be mutual courtesy and respect between Members and Officers. It is important that there are reasonable standards of courtesy and no Member or Officer should seek to take unfair advantage of their position.
- 10.2. Members and Officers should not criticise or undermine respect for the other at Harbour Board meetings or in any public forum.
- 10.3 Members should not raise matters relating to the conduct or capability of an individual Harbour Board Officer or Officers collectively at meetings held in public. Officers should observe the same rule in respect of Members.
- 10.4 If a Member believes that he has not been treated with proper courtesy or has a concern about the conduct or capability of an Officer, then he should raise the matter confidentially with the Harbour Master/Manager, Clerk or Treasurer as appropriate. If the Board Member is still not satisfied with the action that has been taken in response to this, then he may raise the matter confidentially with another Member of the Harbour Management Team who will look into the matter afresh. If the alternative Senior Officer believes that there is a case to answer then he may utilise the Harbour Board's formal disciplinary procedures. If the Senior Officer suggests no action he will inform the Board Member. They may then refer the matter to the Full Harbour Board but must do so within the terms of the disciplinary procedure applying to the post in question.
- 10.5 If an Officer feels that he has not been treated with respect or is concerned about any action or statement relating to him/herself or a colleague by a Board Member, or conduct of a Board Member, he should raise the matter with his/her Line Manager. If he is not satisfied with any action that has been taken as a result, he should raise the matter with the Chairman. If there is a serious case to answer the matter will be investigated through the Harbour Board's agreed grievance procedures.

PART 8 - CODES AND PROTOCOLS

SECTION 4 – Protocol on Member/Officer Relations

- 10.6 Where a Board Member or Officer is concerned about potential unlawful conduct of a Board Member or Officer, the Harbour Board's Whistle-blowing Policy (to be prepared) and the Public Interest Disclosure Act 1998 are also relevant. Nevertheless, the procedure outlined in this protocol should be the first point of reference where possible.

11.0 MEMBERS' ACCESS TO INFORMATION AND HARBOUR BOARD DOCUMENTS

- 11.1 Each Member has the right to inspect and have copies of the reports, Minutes and background papers relating to the public part of any Harbour Board or Sub-Committee Party agenda. However, Members do not have an automatic right of access to documents relating to confidential ("Exempt") items on the agenda. These might include, for instance, information relating to employees, occupiers of Harbour Board property, applications for grants, contracts, industrial relations negotiations, legal advice and criminal investigations.
- 11.2 In respect of such confidential information, a Member may have access to the documentation insofar as it is reasonably necessary to enable him/her to properly perform his/her duties as a Member of the Harbour Board. The relevant question asked is whether he needs to know the information to perform such duties.
- 11.3 A Board Member or Member of a Sub Committee will have a need to know of the documentation and information relating to that body. In other circumstances, a Member will normally be expected to justify the request in specific terms and the motive for requesting the information will be relevant. The relevant question asked is whether he needs to know the information to perform his/her duties as a Member. The question as to access to the documentation will be determined initially by the Harbour Master/Manager but, in the event of a continuing disagreement as to access, then the matter may be referred to the Clerk. Where a Member has a private, personal or pecuniary interest in a matter, the Member will only be entitled to the same rights of access to documentation as would apply for the public generally. Thus, he would have access to the reports, Minutes and background papers relating to the public part of any Harbour Board or Sub Committee agenda but not to any relevant confidential items.
- 11.4 Any Harbour Board information provided to a Board Member must only be used by the Member in connection with the proper performance of the Members' duties as a Member of the Harbour Board. Confidential information should not be disclosed, discussed with, or released to any other persons unless it reasonably relates to a qualified disclosure, i.e. it relates to an alleged criminal offence, a failure to comply with a legal obligation, maladministration where a breach of administrative law has occurred, a miscarriage of justice, a danger to health or life, damage to the environment or concealment of information tending to show any of these matters. Although not strictly part of Local Government, the Board is a public body and as such the following reference is considered relevant in the context of Harbour Board membership. The National Code of Local Government Conduct states as follows:
- "As a Councillor or a Committee or Sub-Committee Member, you necessarily acquire much information that has not yet been made public and is still confidential. It is a betrayal of trust to breach such confidences. You should never disclose or use confidential information for the personal advantage of yourself or of anyone known to you, or to the disadvantage or the discredit of the Council or anyone else."*
- 11.5 Any confidential information provided to Members should be clearly marked as such prior to its provision.

PART 8 - CODES AND PROTOCOLS
SECTION 4 – Protocol on Member/Officer Relations

12.0 MEMBERS' ACCESS TO MEETINGS

The same principles set out at 11 above and in particular paras. 11.2 to 11.4 shall apply to Members' rights of access and attendance at Committees (as defined in the Harbour Board and Sub Committee Procedure Rules, Section 2, Clause 6.0.)

13.0 PUBLIC RELATIONS AND PRESS RELEASES

- 13.1 News releases are issued on behalf of the Harbour Board and it would not, therefore, be appropriate when repeating quotations from Board Members to indicate their party political or other business affiliation. Harbour Board news releases will be objective, factual and informative.

14.0 UNRESOLVED ISSUES AND AMENDMENTS TO THIS PROTOCOL

- 14.1 If there are any issues of concern which are not dealt with by this protocol, then the relevant Member or Officer may discuss the matter with the Clerk, with a view to advice being provided. If the issue remains unresolved, then it shall be referred to the Full Harbour Board for consideration.
- 14.2 Should any Member or Officer wish to suggest an amendment to this protocol then he is asked to contact the Clerk to the Board.
- 14.3 Any amendment of this protocol will require the approval of the Full Harbour Board.